

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

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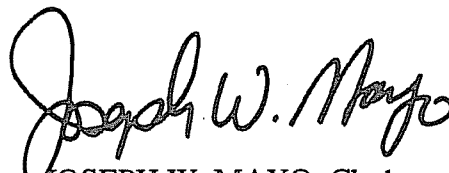
H.P. 951

House of Representatives, April 15, 1993

**An Act to Amend the Laws Related to Concealed Weapon Permits.**

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Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative STEVENS of Sabattus.  
Cosponsored by Representatives: DEXTER of Kingfield, HUSSEY of Milo, MARSH of West Gardiner.

Be it enacted by the People of the State of Maine as follows:

2  
4       Sec. 1. 25 MRSA §2002-A, as enacted by PL 1991, c. 440, is amended to read:

6       **§2002-A. Assignment of authority**

8       Any The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police or sheriff of the county in which that municipality is located agrees, the State Police or the sheriff of the county in which that municipality is located as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police or the sheriff in which that municipality is located. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police or sheriff shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police or sheriffs are entitled to receive any fees authorized for performing the functions of an issuing authority. The agreement must include assignment of authority and responsibility for issuance of permits to residents of the unorganized territories pursuant to section 2003, subsection 6. In addition, the municipal officers of a municipality may determine that the municipality will not serve as the issuing authority for the permits described in section 2003, subsection 6 and, upon receiving written notice of that determination, the Chief of the State Police shall serve as the issuing authority for those permits. The State Police is entitled to receive any fees authorized for performing the functions of the issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the determination.

36       Sec. 2. 25 MRSA §2003, sub-§1, ¶E, as amended by PL 1991, c. 865, §1, is further amended by amending subparagraph (4) to read:

38                   (4) Submits an application fee of \$35 for an original application, \$10 of which must be retained by the municipality and \$25 of which must be paid over by the municipality to the Treasurer of State if the designated issuing authority is the State Police or to the county treasurer of the county in which the municipality is located if the designated issuing authority is the sheriff of that county, and \$20 for a renewal, \$5 of which must be retained by the municipality and \$15 of which must be paid over by the municipality to the Treasurer of State if the

2                   designated issuing authority is the State Police or to  
3                   the county treasurer of the county in which the  
4                   municipality is located if the designated issuing  
5                   authority is the sheriff of that county, for a resident  
6                   of the State. A person who paid \$60 for a concealed  
7                   weapons permit or renewal during 1991 or 1992 is  
8                   entitled to a credit toward renewal fees in an amount  
9                   equal to \$30 for a person who paid \$60 for an original  
10                   application and \$45 for a person who paid \$60 for a  
11                   permit renewal. The credit is valid until fully  
12                   utilized. The fee covers both the cost of processing  
13                   the application by the issuing authority and the cost  
14                   of the permit to carry concealed firearms issued by the  
                 issuing authority; and

16                   **Sec. 3. 25 MRSA §2003, sub-§6**, as enacted by PL 1985, c. 478,  
17                   §2, is amended to read:

18                   **6. Unorganized territory.** Any A resident of an unorganized  
19                   territory shall make written application to the appropriate  
20                   issuing authority in any municipality nearest the unorganized  
21                   territory sheriff of the county of residence and the application,  
22                   fee and permit provisions of this section shall apply, except  
23                   when the Chief of the State Police has been designated the  
24                   issuing authority for that municipality or for the more limited  
25                   purposes of this subsection, then the resident of an unorganized  
26                   territory shall make written application to the Chief of the  
27                   State Police, and the application, fee and permit provisions of  
28                   this section apply.

30                   **Sec. 4. 25 MRSA §2003, sub-§15** is enacted to read:

31                   **15. Lists of permit holders.** The issuing authorities shall  
32                   compile a list of persons who, on each of the following specified  
33                   dates, have concealed weapons permits and forward that list to  
34                   the sheriff of the county within 15 days after March 31st, June  
35                   30th, September 30th and December 31st of each year. The sheriff  
36                   of each county shall promptly compile a master list of persons  
37                   holding current concealed weapons permits and forward a copy of  
38                   that list to the chiefs of police within that county.  
39                   

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44                   **STATEMENT OF FACT**

45                   This bill provides for the designation of either the State  
46                   Police or the county sheriff as the issuing authority for a  
47                   municipality for concealed weapons permits and amends the current  
48                   law to allow fees for issuing concealed weapons permits to be  
49                   distributed to the county if the designated issuing authority is  
50

2 the county sheriff. The bill also designates the issuing  
3 authority for concealed weapons permits in unorganized  
4 territories as the sheriff of the county of residence, unless the  
5 Chief of the State Police has been designated as the issuing  
6 authority. It also permits even those municipalities that do  
7 have a chief of police to "opt out," by simple majority vote of  
8 the municipal officers and appropriate notice of the obligation  
9 to process permit applications for residents of the nearest  
10 unorganized territories. Unlike the "opt out" from all permit  
11 issuing functions authorized by the Maine Revised Statutes, Title  
12 25, section 2002-A, which requires a concurrence of the Chief of  
13 the State Police, the chief's concurrence is not required for a  
14 local exercise of the power to "opt out" of the obligation to  
15 process permit applications for unorganized territory residents.  
16 Finally, the bill provides for a means of distribution of  
information by the sheriff's office to all police departments  
within each county regarding who has concealed weapons permits.