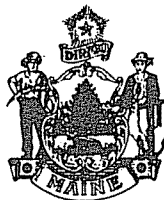


# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

---

Legislative Document

No. 1798

H.P. 1335

House of Representatives, January 27, 1994

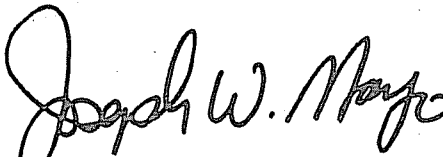
**An Act to Clarify the Laws Relating to Permits to Carry Concealed  
Firearms.**

(AFTER DEADLINE)

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DAGGETT of Augusta.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature believes that it is important that these changes to the laws relating to permits to carry concealed firearms be effective immediately so as to give needed guidance to both the applicant and the issuing authority; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2002, sub-§§2 to 5, as enacted by PL 1985, c. 478, §2, are amended to read:

2. ~~Dependency-related~~ drug. "~~Dependency-----related~~ Dependency-related drug" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 7.

3. Drug abuser. "Drug abuser" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 9 10.

4. Drug addict. "Drug addict" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 11.

5. Drug-dependent person. "~~Drug--dependent~~ Drug-dependent person" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 12.

Sec. 2. 25 MRSA §2002, sub-§9, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

2            B. To a resident of an unorganized territory:

4                    (1) The Chief of the State Police; and

6            C. To a nonresident:

8                    (1) The Chief of the State Police.

10           **Sec. 3. 25 MRSA §2002, sub-§12 is enacted to read:**

12           12. Bodily injury. "Bodily injury" has the same meaning as  
14           set forth in Title 17-A, section 2, subsection 5.

16           **Sec. 4. 25 MRSA §2002-A, as amended by PL 1993, c. 340, §1,**  
18           **is further amended to read:**

20           **§2002-A. Assignment of authority**

22           The municipal officers of a municipality without a  
24           full-time chief of police may designate, if the Chief of the  
26           State Police agrees, the State Police as the issuing authority  
28           for that municipality. The designation must be made by written  
30           agreement with the Chief of the State Police. The agreement must  
32           include provisions for termination of the agreement. During the  
34           term of an agreement, the State Police shall perform all the  
36           functions of the issuing authority, including suspension and  
38           revocation of permits. The State Police are entitled to receive  
40           any fees authorized for performing the functions of an issuing  
42           authority. ~~The State Police are entitled to receive any fees~~  
44           ~~authorized for performing the functions of the issuing~~  
46           ~~authority.~~ The Chief of the State Police continues to serve as  
48           the issuing authority until the chief receives from the municipal  
50           officers written notice of cancellation or revocation of the  
                 determination designation.

36           **Sec. 5. 25 MRSA §2003, sub-§1, as amended by PL 1993, c. 368,**  
38           **§§4 and 5, is further amended by amending the first paragraph to**  
40           **read:**

42           **1. Criteria for issuing permit.** The issuing authority  
44           shall, upon written application, issue a permit to carry  
46           concealed firearms to ~~any legal resident of that municipality~~ an  
48           applicant over whom it has issuing authority and who has  
50           demonstrated good moral character and who meets the following  
                 requirements:

**Sec. 6. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c.**  
                 **368, §5, is further amended by amending subparagraph (5),**  
                 **division (o) to read:**

2 (o) To your knowledge, have you engaged within  
4 the past 5 years in reckless or negligent conduct  
that has been the subject of an investigation by a  
governmental entity?--and

6 **Sec. 7. 25 MRSA §2003, sub-§1, ¶D,** as amended by PL 1993, c.  
368, §5, is further amended by enacting subparagraph (5),  
8 divisions (p) to (s) to read:

10 (p) Have you been convicted within the past 5  
12 years of any Title 17-A, chapter 45 drug crime?

14 (q) Have you been adjudicated within the past 5  
16 years as having committed a juvenile offense  
18 involving conduct that, if committed by an adult,  
20 would have been a violation of Title 17-A, chapter  
22 45?

24 (r) Have you been adjudged to have committed the  
26 civil violation of possession of a useable amount  
28 of marijuana, butyl nitrite or isobutyl nitrite in  
30 violation of Title 22, section 2383 within the  
32 past 5 years?

34 (s) Have you been adjudicated within the past 5  
36 years as having committed the juvenile crime  
38 defined in Title 15, section 3103, subsection 1,  
40 paragraph B of possession of a useable amount of  
42 marijuana, as provided in Title 22, section 2383?;  
44 and

46 **Sec. 8. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 1993, c.  
368, §§4 and 5, is further amended by repealing subparagraph (4)  
38 and enacting the following in its place:

40 (4) Submits an application fee along with the written  
42 application to the proper issuing authority pursuant to  
44 the following schedule:

46 (a) Resident of a municipality or unorganized  
48 territory, \$35 for an original application and \$20  
50 for a renewal, except that a person who paid \$60  
for a concealed weapons permit or renewal during  
1991 or 1992 is entitled to a credit toward  
renewal fees in an amount equal to \$30 for a  
person who paid \$60 for an original application  
and \$45 for a person who paid \$60 for a permit  
renewal. The credit is valid until fully  
utilized; and

2                   (b) Nonresident, \$60 for an original or renewal  
4                   application, except that a person who paid \$80 for  
6                   a concealed weapons permit during 1991 or 1992 is  
                    entitled to a \$20 credit toward permit renewal  
                    fees. The credit is valid until fully utilized;  
                    and

8                   **Sec. 9. 25 MRSA §2003, sub-§2**, as amended by PL 1993, c. 368,  
10                   §§6 and 7, is further amended to read:

12                   **2. Complete application; certification by applicant.** The  
14                   requirements set out in subsection 1, constitute a complete  
                    application. By affixing his the applicant's signature to the  
                    application, the applicant certifies the following:

16                   A. That the statements he the applicant makes in the  
18                   application and any documents he the applicant makes a part  
                    of the application, are true and correct;

20                   A-1. That the applicant understands that an affirmative  
22                   answer to the question in subsection 1, paragraph D,  
24                   subparagraph (5), division (c-1) is cause for refusal unless  
                    the applicant is nonetheless authorized to possess a firearm  
                    under Title 15, section 393, subsection 1-A;

26                   B. That the applicant understands that an affirmative  
28                   answer to one or more of the questions in subsection 1,  
30                   paragraph D, subparagraph (5), divisions (c) to (k) is cause  
                    for refusal;

32                   B-1. That the applicant understands that an affirmative  
34                   answer to one or more of the questions in subsection 1,  
36                   paragraph D, subparagraph (5), divisions (a), (b), (b-1),  
                    (c-1), (l), (m), (n) and (o) to (s) is used by the issuing  
                    authority, along with other information, in judging good  
                    moral character under subsection 4; and

38                   C. That he the applicant understands any false statements  
40                   made in the application or in any document made a part of  
42                   the application may result in prosecution as provided in  
                    section 2004.

44                   **Sec. 10. 25 MRSA §2003, sub-§6**, as amended by PL 1993, c. 340,  
                    §3, is repealed.

46                   **Sec. 11. 25 MRSA §2003, sub-§7**, as amended by PL 1991, c. 865,  
48                   §2, is repealed.

50                   **Sec. 12. 25 MRSA §2003, sub-§§15 and 16** are enacted to read:

2 15. Duty of issuing authority; application fees. The  
4 application fees submitted by the applicant as required by  
subsection 1, paragraph E, subparagraph (4) are subject to the  
following.

6 A. If the issuing authority is other than the Chief of the  
8 State Police, \$25 of the fee for an original application and  
\$15 of the fee for a renewal must be paid over to the  
Treasurer of State.

10 B. If the Chief of the State Police is the issuing  
12 authority as the designee of a municipality under section  
14 2002-A, \$25 of the fee for an original application and \$15  
of the fee for a renewal must be paid over to the Treasurer  
of State.

16 C. If the Chief of the State Police is the issuing  
18 authority because the applicant is either a resident of an  
20 unorganized territory or a nonresident, the application fee  
22 must be paid over to the Treasurer of State. The fee must  
be applied to the expenses of administration incurred by the  
State Police.

24 16. Application fee; use. The application fee submitted by  
26 the applicant as required by subsection 1, paragraph E,  
subparagraph (4) covers the cost of processing the application by  
28 the issuing authority and the cost of the permit to carry  
concealed firearms issued by the issuing authority.

30 Emergency clause. In view of the emergency cited in the  
32 preamble, this Act takes effect when approved.

34 **STATEMENT OF FACT**

36 The bill makes changes to the laws relating to concealed  
38 firearms permits by correcting cross-references, defining the  
40 terms "issuing authority" and "bodily injury," adding questions  
to the application pertaining to the good moral character of an  
applicant and by making gender-specific changes.

42  
44  
46 This document has not yet been reviewed to determine the  
48 need for cross-reference, stylistic and other technical  
amendments to conform existing law to current drafting standards.