

# 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)

DATE: *March 13, 1998*

(Filing No. S- 516 )

**CRIMINAL JUSTICE**

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1719, Bill, "An Act Concerning Firearm Purchase Background Checks"

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend the Laws Relating to Permits to Carry Concealed Firearms to Make the Chief of the State Police the Sole Issuing Authority, to Accommodate the Brady Handgun Violence Prevention Act and to the Make Certain Other Changes'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 25 MRSA §2002, sub-§8, as enacted by PL 1985, c. 478, §2, is amended to read:**

**8. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4 and 18 United States Code, Section 921, Subsection (a), Paragraph (15).

**Sec. 2. 25 MRSA §2002, sub-§9, as amended by PL 1997, c. 360, §§2 and 3, is repealed and the following enacted in its place:**

**9. Issuing authority.** "Issuing authority" means the Chief of the State Police.

**Sec. 3. 25 MRSA §2002, sub-§11, as enacted by PL 1985, c. 478, §2, is amended to read:**

2           **11. Reckless or negligent conduct.** "Reckless or negligent  
3           conduct" means that the applicant, either consciously  
4           disregarding or failing to be aware of a risk that his the  
5           applicant's conduct would cause such a result, engaged in conduct  
6           which in fact created a substantial risk of death, serious bodily  
7           injury or bodily injury to another human being and the  
8           applicant's disregard or failure to be aware of that risk, when  
9           viewed in light of the nature and purpose of the applicant's  
10          conduct and the circumstances known to him the applicant,  
11          involved a gross deviation from the standard of conduct that a  
12          reasonable and prudent person would observe in the same situation.

14           **Sec. 4. 25 MRSA §2002, sub-§§13, 14 and 15** are enacted to read:

16           **13. Applicant.** "Applicant" means a natural person or  
17           individual seeking a permit to carry concealed firearms from the  
18           issuing authority by way of a completed written application  
19           accompanied by the required application fee.

20           **14. FBI.** "FBI" means the Federal Bureau of Investigation  
21           of the United States Department of Justice.

22           **15. Application.** "Application" means the form used to  
23           apply for a permit to carry concealed firearms utilized by the  
24           issuing authority with the approval of the Attorney General.

25           **Sec. 5. 25 MRSA §2002-A**, as amended by PL 1993, c. 524, §4,  
26           is repealed.

27           **Sec. 6. 25 MRSA §2003, sub-§1**, as amended by PL 1995, c. 560,  
28           Pt. K, §82 and affected by §83, is repealed.

29           **Sec. 7. 25 MRSA §2003, sub-§§1-A, 1-B and 1-C** are enacted to  
30           read:

31           **1-A. Criteria for issuing permit.** The Chief of the State  
32           Police shall issue a permit to carry concealed firearms to an  
33           applicant who is 18 years of age or older and who has complied  
34           with the requirements of subsection 1-B, unless the applicant:

35           **A.** Is prohibited from owning, possessing or having under  
36           the applicant's control a firearm pursuant to Title 15,  
37           section 393;

38           **B.** Has a formal charging instrument pending against that  
39           applicant in the State or any other jurisdiction for a crime  
40           that, following conviction or juvenile adjudication, would  
41           come within the prohibition of Title 15, section 393;

COMMITTEE AMENDMENT "A" to S.P. 562, L.D. 1719

- 2           C. Is not eligible due to a conviction under Title 17-A,  
3           section 1057;
- 4
- 5           D. Has a formal charging instrument pending against that  
6           applicant for a violation of Title 17-A, section 1057;
- 7
- 8           E. Has been convicted in the State or any other  
9           jurisdiction of a misdemeanor crime of domestic violence  
10           within the meaning of 18 United States Code, Section 921,  
11           Subsection (a), Paragraph (33)(A);
- 12
- 13           F. Has a formal charging instrument pending against that  
14           applicant in the State or any other jurisdiction for a  
15           misdemeanor crime of domestic violence within the meaning of  
16           18 United States Code, Section 921, Subsection (a),  
17           Paragraph (33)(A);
- 18
- 19           G. Has an outstanding Maine warrant of arrest for any crime  
20           or has an outstanding warrant of arrest from any other  
21           jurisdiction for any crime punishable by imprisonment for a  
22           term exceeding one year, as defined by 18 United States  
23           Code, Section 921, Subsection (a), Paragraph (20);
- 24
- 25           H. Is a fugitive from justice;
- 26
- 27           I. Is a drug abuser, drug addict, drug-dependent person or  
28           is, for purposes of 18 United States Code, Section 922,  
29           Subsection (g), Paragraph (3), an unlawful user of or  
30           addicted to any controlled substance;
- 31
- 32           J. Has been adjudicated to be an incapacitated person under  
33           Title 18-A, Article V, Parts 3 and 4 and has not had that  
34           designation removed by an order under Title 18-A, section  
35           5-307, subsection (b) or, for the purposes of 18 United  
36           States Code, Section 922, Subsection (g), Paragraph (4), has  
37           been adjudicated as a mental defective or has been committed  
38           to any mental institution;
- 39
- 40           K. Is an alien and is, for purposes of 18 United States  
41           Code, Section 922, Subsection (g), Paragraph (5), illegally  
42           or unlawfully in the United States;
- 43
- 44           L. Has, for purposes of 18 United States Code, Section 922,  
45           Subsection (g), Paragraph (6), been discharged from the  
46           Armed Forces under dishonorable conditions;
- 47
- 48           M. Having been a citizen of the United States, has, for  
49           purposes of 18 United States Code, Section 922, Subsection  
50           (g), Paragraph (7), renounced the applicant's citizenship;

- 2        N. Has been convicted within the past 5 years of any Title  
3        17-A, chapter 45 drug crime;
- 4
- 5        O. Has been adjudicated within the past 5 years of having  
6        committed a juvenile offense involving conduct that if  
7        committed by an adult would have been a violation of Title  
8        17-A, chapter 45;
- 9
- 10       P. Has a formal charging instrument pending against that  
11       applicant for any Title 17-A, chapter 45 drug crime;
- 12
- 13       Q. Has a formal charging instrument pending against that  
14       applicant for a juvenile offense that involves conduct that  
15       if committed by an adult would be a Title 17-A, chapter 45  
16       drug crime;
- 17
- 18       R. Has been convicted within the past 5 years of any crime  
19       listed in section 2004-A;
- 20
- 21       S. Has been adjudicated within the past 5 years of having  
22       committed a juvenile offense involving conduct that if  
23       committed by an adult would have been a violation of any  
24       crime listed in section 2004-A;
- 25
- 26       T. Has a formal charging instrument pending against that  
27       applicant for any crime listed in section 2004-A;
- 28
- 29       U. Has a formal charging instrument pending against that  
30       applicant for a juvenile offense that involves conduct that  
31       if committed by an adult would be a crime listed in section  
32       2004-A;
- 33
- 34       V. Has been adjudged within the past year of having  
35       committed the civil violation of possession of a useable  
36       amount of marijuana, butyl nitrite or isobutyl nitrite in  
37       violation of Title 22, section 2383;
- 38
- 39       W. Has been adjudicated within the past year of having  
40       committed the juvenile crime defined in Title 15, section  
41       3103, subsection 1, paragraph B of possession of a useable  
42       amount of marijuana;
- 43
- 44       X. Has been convicted in the State or any other  
45       jurisdiction within the past 3 years of 3 or more  
46       misdemeanor crimes that arose from different criminal  
47       episodes;
- 48
- 49       Y. Has engaged within the past 3 years in reckless or  
50       negligent conduct that is substantiated by information of  
51       record recorded by a governmental entity;

- 2           Z. Has been convicted within the past 5 years under Title  
4           17-A, section 453 for making in the application or  
              accompanying documents written false statements that the  
6           applicant did not believe to be true;
- 8           AA. Has been adjudicated within the past 5 years of having  
              committed a juvenile offense involving conduct that if  
10           committed by an adult would have been a violation of Title  
              17-A, section 453 under the circumstances described in  
12           paragraph Z;
- 14           BB. Has a formal charging instrument pending against that  
              applicant for a violation of Title 17-A, section 453  
16           described in paragraph Z;
- 18           CC. Has a formal charging instrument pending against that  
              applicant for a juvenile offense described in paragraph AA;  
20           or
- 22           DD. Is not eligible due to a revocation of the permit under  
              former section 2005 or a suspension of the permit under  
24           section 2005-A.
- 26           1-B. Affirmative duties of applicant. The applicant shall:
- 28           A. Submit a fully completed, signed application;
- 30           B. Along with the application, submit an application fee to  
              the issuing authority:
- 32                    (1) If a Maine resident, in the amount of \$42 for an  
34                    original application and \$25 for a renewal application;  
                      or
- 36                    (2) If a nonresident, in the amount of \$42 for an  
38                    original application or a renewal application and an  
                      additional \$24 for an FBI fingerprint check. A  
40                    nonresident shall also submit an FBI criminal history  
                      record check;
- 42           C. At the request of the issuing authority:
- 44                    (1) If a Maine resident, submit to having that  
46                    applicant's fingerprints taken at a location specified  
                      by the issuing authority at no additional cost to the  
48                    resident, if it becomes necessary in order to resolve  
                      any questions as to the identity of the applicant; or

2           (2) If a nonresident, submit to having that  
3           applicant's fingerprints taken for an FBI criminal  
4           history record check at a location specified by the  
5           issuing authority and pay a fee of up to \$10 to the  
6           governmental entity taking and submitting the  
7           fingerprints to the issuing authority;

8           D. At the request of the issuing authority and at a  
9           location specified by the issuing authority, submit to  
10           having a photograph of that applicant taken so that the  
11           photograph can be made an integral part of the permit to  
12           carry concealed firearms to be issued by the issuing  
13           authority; and

14           E. At the request of the issuing authority, take whatever  
15           action is legally required or needed as a matter of  
16           practical necessity to allow the issuing authority to  
17           ascertain whether the information supplied by the applicant  
18           on the written application, including any documents made a  
19           part of the application, is true and correct.

20           1-C. Access to record of previous issuances, refusals and  
21           revocations. At the request of the issuing authority, a prior  
22           issuing authority shall provide any information of record  
23           regarding previous issuances of, refusals to issue and  
24           revocations of a permit to carry concealed firearms or other  
25           concealed weapons relative to an applicant.

26           Sec. 8. 25 MRSA §2003, sub-§2, as amended by PL 1993, c. 524,  
27           §9, is repealed.

28           Sec. 9. 25 MRSA §2003, sub-§2-A is enacted to read:

29           2-A. Certification by applicant. By affixing the  
30           applicant's signature to the application, the applicant certifies:

31           A. That the statements the applicant makes in the  
32           application and any documents the applicant makes a part of  
33           the application are true and correct; and

34           B. That the applicant understands that any written false  
35           statements made in the application or accompanying documents  
36           that the applicant does not believe to be true are subject  
37           to criminal prosecution under Title 17-A, section 453.

38           Sec. 10. 25 MRSA §2003, sub-§3, as enacted by PL 1985, c. 478,  
39           §2, is repealed and the following enacted in its place:

2 3. Copy of laws and safety brochure to be furnished to  
3 applicant. The issuing authority shall provide each applicant  
4 with a copy of this chapter, the definitions from other state or  
5 federal laws that are used in this chapter and a basic firearm  
6 safety brochure, as defined in section 2012, subsection 1,  
7 paragraph A.

8 **Sec. 11. 25 MRSA §2003, sub-§3-A**, as enacted by PL 1989, c.  
9 917, §12, is repealed and the following enacted in its place:

10 3-A. Forms. The issuing authority shall submit to the  
11 Attorney General for approval the following forms:

12 A. An application for a resident permit to carry concealed  
13 firearms;

14 B. An application for a nonresident permit to carry  
15 concealed firearms;

16 C. A resident permit to carry concealed firearms;

17 D. A nonresident permit to carry concealed firearms; and

18 E. An authority to release information to the issuing  
19 authority for the purpose of evaluating information supplied  
20 on the application.

21 **Sec. 12. 25 MRSA §2003, sub-§4**, as amended by PL 1995, c. 694,  
22 Pt. D, §51 and affected by Pt. E, §2, is repealed.

23 **Sec. 13. 25 MRSA §2003, sub-§5**, as amended by PL 1995, c. 694,  
24 Pt. D, §52 and affected by Pt. E, §2, is repealed and the  
25 following enacted in its place:

26 5. Access to confidential records regarding an involuntary  
27 commitment. At the request of the issuing authority,  
28 notwithstanding that such information is by law made  
29 confidential, a court or other governmental entity having legal  
30 authority to make commitments or a mental institution shall  
31 provide to the issuing authority necessary information as to the  
32 existence, if any, of an applicant's formal involuntary  
33 commitment to a mental institution.

34 **Sec. 14. 25 MRSA §2003, sub-§8**, as amended by PL 1993, c. 289,  
35 §1, is further amended to read:

36 **8. Term of permit.** All concealed firearm permits are valid  
37 for -4- 5 years from the date of issue, unless sooner revoked for  
38 cause by the issuing authority. If a permit renewal is issued  
39 before the expiration date of the permit being renewed or within  
40



6 months of the expiration date of the permit being renewed, the permit renewal is valid for ~~4~~ 5 years from the expiration date of the permit being renewed.

**Sec. 15. 25 MRSA §2003, sub-§§9, 10 and 11**, as enacted by PL 1985, c. 478, §2, are amended to read:

**9. Information contained in permit.** Each permit to carry concealed firearms issued shall ~~must~~ must contain, at a minimum, the following: The name, address and physical description of the permit holder; the holder's signature; a photograph of the permit holder; the date of issuance; and the date of expiration. A ~~permit to carry concealed firearms may additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed firearms.~~

**10. Validity of permit throughout the State.** Permits Except as otherwise limited by law, permits issued authorize the person to carry these concealed firearms throughout the State.

**11. Permit to be in permit holder's immediate possession.** Every permit holder shall have his the permit in his that permit holder's immediate possession at all times when carrying a concealed firearm and shall display the same permit on demand of any law enforcement officer. ~~No~~ A person charged with violating this subsection may not be adjudicated as having committed a civil violation if he that person produces in court the concealed firearms permit which that was valid at the time of the issuance of a summons to court or, if he the person exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, ~~no~~ a complaint may not be issued.

**Sec. 16. 25 MRSA §2003, sub-§12**, as amended by PL 1991, c. 865, §3, is further amended to read:

**12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days.** The issuing authority, ~~as defined in this chapter,~~ shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

2           **Sec. 17. 25 MRSA §2003, sub-§15**, as enacted by PL 1993, c.  
524, §12, is repealed and the following enacted in its place:

4           15. Duty of issuing authority. The application fees,  
6 including the fee for an FBI fingerprint check, if any, submitted  
by the applicant as required by subsection 1-B, paragraph B must  
8 be transferred to the Treasurer of State by the issuing  
authority. The fees must be applied to the expenses of  
administration incurred by the issuing authority.

10           **Sec. 18. 25 MRSA §2003, sub-§16**, as enacted by PL 1993, c.  
12 524, §12, is repealed and the following enacted in its place:

14           16. Application fees; use. The following provisions govern  
the use of application fees paid by residents and nonresidents.

16           A. The application fee submitted by the resident applicant  
18 covers the cost of processing the application, including  
obtaining fingerprints when necessary, and covers the cost  
20 of the permit to carry concealed firearms, including the  
photograph, issued by the issuing authority.

22           B. The application fee submitted by the nonresident  
24 applicant covers the cost of processing the application by  
the issuing authority, except for obtaining fingerprints,  
26 and covers the cost of the permit to carry concealed  
firearms, including the photograph, issued by the issuing  
28 authority. The applicant is responsible for the cost of  
obtaining fingerprints to the extent specified in subsection  
30 1-B, paragraph C, subparagraph (2).

32           **Sec. 19. 25 MRSA §2004**, as enacted by PL 1985, c. 478, §2, is  
repealed.

34           **Sec. 20. 25 MRSA §§2004-A and 2004-B** are enacted to read:

36           §2004-A. Crimes

38           1. Threatening display of a weapon. A person is guilty of  
40 threatening display of a weapon if the person displays in a  
threatening manner any firearm, slungshot, knuckles, bowie knife,  
42 dirk, stiletto or other dangerous or deadly weapon usually  
employed in the attack on or defense of a person. Threatening  
44 display of a weapon is a Class D crime.

46           2. Unlawfully carrying a concealed weapon. A person is  
48 guilty of unlawfully carrying a concealed weapon if, without  
authority to do so, the person wears under that person's clothes  
or conceals about the person, any firearm, slungshot, knuckles,  
50 bowie knife, dirk, stiletto or other dangerous or deadly weapon

usually employed in the attack on or defense of a person.  
Unlawfully carrying a concealed weapon is a Class D crime.

**3. Unlawful use of a permit to carry concealed firearms.** A person is guilty of unlawful use of a permit to carry concealed firearms if that person intentionally or knowingly possesses a revoked, suspended, fictitious or fraudulently altered permit to carry concealed firearms issued or represented to be issued by this State. Unlawful use of a permit to carry concealed firearms is a Class E crime.

**4. Violating the confidentiality of an application for a permit to carry concealed firearms.** A person is guilty of violating the confidentiality of an application for a permit to carry concealed firearms if that person intentionally or knowingly violates the confidentiality provisions of section 2006. Violating the confidentiality of an application for a permit to carry concealed firearms is a Class E crime.

**§2004-B. Civil violation**

A person who in fact fails to comply with section 2003, subsection 11 commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

**Sec. 21. 25 MRSA §2005**, as amended by PL 1989, c. 917, §§13 to 15, is repealed.

**Sec. 22. 25 MRSA §2005-A** is enacted to read:

**§2005-A. Revocation; reapplication**

**1. Revocation.** The issuing authority shall revoke a permit, after notice of the opportunity for a hearing, if the permit holder becomes ineligible to possess a permit based upon the criteria contained in section 2003, subsection 1-A.

**2. Revocation after notice and opportunity for hearing.** The issuing authority shall notify the permit holder in writing, before a permit is revoked and after notice of the opportunity for a hearing, of the intended commencement date of revocation, which may not be made any sooner than 10 days after the permit holder's receipt of the notice of the revocation and of the right to a hearing pursuant to this subsection. The permit holder may request a hearing before the Commissioner of Public Safety or the commissioner's designee. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the permit holder is ineligible to possess a permit based upon the criteria contained in section 2003, subsection 1-A. A

2 request for a hearing may not be made any later than 10 days  
3 after the permit holder is notified of the proposed revocation.  
4 The revocation action must be stayed pending the hearing. The  
5 hearing may not be held any later than 30 days after the date the  
6 commissioner receives the request.

7 3. Notice. If a permit holder becomes aware that the  
8 permit holder is ineligible to possess a permit based upon the  
9 criteria contained in section 2003, subsection 1-A, the permit  
10 holder shall notify the issuing authority. If the permit is  
11 revoked by the issuing authority under this section, the permit  
12 holder must surrender the permit to the issuing authority.

13 4. Reapplication. If a permit has been surrendered by a  
14 permit holder under subsection 3, or if a permit is revoked under  
15 this section, the former permit holder is eligible for  
16 reapplication when the permit holder is no longer ineligible to  
17 possess a permit based upon the criteria contained in section  
18 2003, subsection 1-A.

19 **Sec. 23. 25 MRSA §2006, first paragraph,** as enacted by PL 1985,  
20 c. 478, §2, is amended to read:

21 Notwithstanding Title 1, sections 401 to 410, all  
22 applications for a permit to carry concealed firearms and  
23 documents made a part of the application, refusals and any  
24 information of record collected by the issuing agency authority  
25 during the process of ascertaining whether an applicant is of  
26 good moral character and meets the additional requirements of  
27 sections 2003 and 2005 2005-A, are confidential and may not be  
28 made available for public inspection or copying. The applicant  
29 may waive this confidentiality by written notice to the issuing  
30 authority. All proceedings relating to the issuance, refusal or  
31 revocation of a permit to carry concealed firearms are not public  
32 proceedings under Title 1, chapter 13, unless otherwise requested  
33 by the applicant.

34 **Sec. 24. 25 MRSA §§2007 and 2008** are enacted to read:

35 **§2007. Use of permit to apply for a firearm transfer**

36 Following the effective date of the national instant  
37 criminal background check system under the federal Brady Handgun  
38 Violence Prevention Act, if a person seeking a firearm transfer  
39 from a federal firearms licensee presents a Maine permit to carry  
40 concealed firearms issued on or after October 1, 1998, the  
41 federal firearms licensee must, before completion of the  
42 transfer, confirm the validity of that permit with the issuing  
43 authority.

**§2008. Fee for conducting Brady background checks**

2  
4  
6  
8  
10  
12

If the State decides to conduct background checks under the federal Brady Handgun Violence Prevention Act, the Maine State Police shall conduct the background checks and shall charge the federal firearms licensee a processing fee of \$15 per check. The fee must be paid to the Treasurer of State by the Maine State Police and that fee must be applied to the expenses of administration incurred by the Maine State Police. Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.

14

**Sec. 25. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

16

**1998-99**

18

**PUBLIC SAFETY, DEPARTMENT OF**

20

**State Police - Firearms Licensing**

22

Positions - Legislative Count	(6.000)
Personal Services	\$160,688
All Other	102,988
<b>TOTAL</b>	<b>\$263,676</b>

28

Provides funds for a Clerk IV position, a Clerk Typist III position, 4 Clerk Typist II positions and general operating expenses to assist in conducting the additional required background checks.

34

**Administration**

36

Positions - Legislative Count	(-1.000)
Personal Services	(\$24,513)
All Other	(2,913)
<b>TOTAL</b>	<b>(\$27,426)</b>

42

Deallocates funds to reflect the transfer of a Clerk Typist II position from the Administration account to the Firearms Licensing Unit as a result of the change in permitting process.

48

**DEPARTMENT OF PUBLIC SAFETY**

50

<b>TOTAL</b>	<b>\$236,250</b>
--------------	------------------

2           **Sec. 26. Effective date.** This Act takes effect October 1, 1998.'

4           Further amend the bill by inserting at the end before the  
summary the following:

6

8

**FISCAL NOTE**

10

**1998-99**

12

**APPROPRIATIONS/ALLOCATIONS**

14

Other Funds

\$236,250

16

**REVENUES**

18

General Fund

(\$94,500)

20

Other Funds

249,150

22

24           Establishing the State Police as the sole issuing authority  
for concealed weapons permits and dedicating all fees collected  
for this purpose will reduce General Fund revenue by \$94,500 in  
fiscal year 1998-99 and approximately \$126,000 annually beginning  
26 in fiscal year 1999-2000. The dedicating of these fees, the  
shift of revenue previously collected by local authorities, and  
28 the increase of fees for concealed weapons permits will increase  
dedicated revenue to the Department of Public Safety by \$249,150  
30 in fiscal year 1998-99 and \$332,200 annually thereafter.

32

34           The Department of Public Safety will incur additional costs  
associated with the shift of permitting responsibilities from the  
local authorities and additional background check requirements.  
The total costs are estimated to be \$236,250 in fiscal year  
36 1998-99 and \$329,313 annually beginning in fiscal year  
1999-2000. The costs include adding a Clerk IV position, a Clerk  
38 Typist III position, 4 Clerk Typist II positions and general  
operating expenses to assist in conducting the additional  
40 required background checks. These costs also include payments to  
the federal government. This bill includes an allocation in  
42 fiscal year 1998-99 to cover these costs.

44

46           This bill also includes an Other Special Revenue  
deallocation of \$27,426 in fiscal year 1998-99 to transfer a  
Clerk Typist II position from the Administration account to the  
Firearms Licensing Unit within the Department of Public Safety as  
48 a result of the shift in permitting responsibilities. Dedicated  
revenue of \$45,094 in fiscal year 1997-98 and approximately

2 \$60,125 annually beginning in fiscal year 1999-2000 will also  
3 shift from the Administration account to the Firearms Licensing  
4 Unit.

6 This bill may increase prosecutions for Class E crimes. If  
7 a jail sentence is imposed, the additional costs to the counties  
8 are estimated to be \$86.45 per day per prisoner. These costs are  
9 not reimbursed by the State. The number of prosecutions that may  
10 result in a jail sentence and the resulting costs to the county  
11 jail system are expected to be insignificant.

12 The additional workload, administrative costs and indigent  
13 defense costs associated with the minimal number of new cases  
14 filed in the court system can be absorbed within the budgeted  
15 resources of the Judicial Department. The collection of  
16 additional fines may also increase General Fund revenue by minor  
17 amounts.'

## 20 SUMMARY

22 This amendment replaces the bill and is the minority report  
23 of the Joint Standing Committee on Criminal Justice. The  
24 amendment does the following.

26 1. It makes the Chief of the State Police the sole issuing  
27 authority for permits to carry concealed firearms.

28 2. It clarifies the requirements and criteria an applicant  
29 must satisfy to obtain a permit to carry concealed firearms.

30 3. It specifies crimes and penalties regarding the misuse  
31 of concealed firearms and permits to carry concealed firearms.

32 4. It extends the time a permit is valid from 4 years to 5  
33 years and sets up fee schedules for resident and nonresident  
34 permit holders.

35 5. It makes Maine a "Brady Alternative State" by exempting  
36 holders of concealed weapons permits from further background  
37 checks to purchase firearms.

38 6. It adds an allocation section and a fiscal note.  
39  
40  
41  
42  
43  
44