

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 903

H.P. 653

House of Representatives, February 2, 1999

An Act to Amend the Concealed Weapons Permit Laws.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Representative McALEVEY of Waterboro.

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

4 **Sec. 1. 25 MRSA §2002, sub-§9**, as amended by PL 1997, c. 360,
§§2 and 3, is repealed and the following enacted in its place:

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

10 A. The chief of police to a legal resident of a
municipality with a full-time chief of police; or

12 B. The Chief of the State Police to a:

14 (1) Legal resident of a municipality without a
full-time chief of police;

16 (2) Resident of an unorganized territory;

18 (3) Nonresident; and

20 (4) Private investigator licensed under Title 32,
22 chapter 89.

24 **Sec. 2. 25 MRSA §2002-A**, as amended by PL 1993, c. 524, §4,
26 is repealed.

28 **Sec. 3. 25 MRSA §2003, sub-§1**, as amended by PL 1995, c. 560,
Pt. K, §82 and affected §83, is further amended by amending the
30 first paragraph to read:

32 **1. Criteria for issuing permit.** The issuing authority
shall, upon written application and after verification of
34 information available to the issuing authority, issue a permit to
carry concealed firearms to an applicant over whom it has issuing
36 authority and who has demonstrated good moral character and who
meets the following requirements:

38 **Sec. 4. 25 MRSA §2003, sub-§1, ¶A**, as enacted by PL 1985, c.
40 478, §2, is amended to read:

42 **A.** Is 18 21 years of age or older;

44 **Sec. 5. 25 MRSA §2003, sub-§1, ¶D**, as amended by PL 1993, c.
524, §§6 and 7, is further amended by amending subparagraph (5),
46 division (a) to read:

48 **(a)** Is there a formal charging instrument ~~now~~
pending against you in this or any other
jurisdiction for a crime that is punishable by one

2 year or more imprisonment or for any other crime alleged to
have been committed by you with the use of a dangerous weapon, as
4 defined in Title 17-A, section 2, subsection 9, or of a firearm
against another person?

6 **Sec. 6. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 1993, c.
524, §8 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is
8 further amended by amending subparagraph (2) to read:

10 ~~(2) If a photograph is an integral part of the permit~~
~~to carry concealed firearms adopted by an issuing~~
12 ~~authority, submits~~ Submits to being photographed for
14 ~~that purpose;~~

16 **Sec. 7. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 1993, c.
524, §8 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is
18 further amended by enacting subparagraph (3-A) to read:

20 (3-A) Submits to a criminal history record check:

22 **Sec. 8. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 1993, c.
524, §8 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is
24 further amended by amending subparagraph (4) to read:

26 (4) Submits an application fee along with the written
application to the proper issuing authority. The
28 application fee covers the cost of processing the
application by the issuing authority and the cost of
30 the permit to carry concealed firearms issued by the
issuing authority. The application fee is pursuant to
the following schedule:

32 ~~(a) Resident of a municipality or unorganized~~
34 ~~territory, \$35 for an original application and \$20~~
~~for a renewal, except that a person who paid \$60~~
36 ~~for a concealed firearms permit or renewal during~~
~~1991 or 1992 is entitled to a credit toward~~
38 ~~renewal fees in an amount equal to \$30 for a~~
~~person who paid \$60 for an original application~~
40 ~~and \$45 for a person who paid \$60 for a permit~~
~~renewal. The credit is valid until fully~~
42 ~~utilized, and~~

44 (a) For a legal resident of a municipality with
a full-time chief of police, a \$45 application
46 fee, \$10 of which must be paid to the Treasurer of
State and \$35 of which must be paid to that
48 municipality, except that a person who paid \$60
for a concealed firearms permit or renewal during
50 1991 or 1992 is entitled to a credit toward a new

2 permit in an amount equal to \$30 for a person who
3 paid \$60 for an original application and \$45 for a
4 person who paid \$60 for a permit renewal. The
5 credit is valid until fully utilized;

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

12 (b) For a legal resident of a municipality
13 without a full-time chief of police, a resident of
14 an unorganized territory or a private investigator
15 licensed under Title 32, chapter 89, a \$45
16 application fee that must be paid to the Treasurer
17 of State, except that a person who paid \$80 for a
18 concealed firearms permit during 1991 or 1992 is
19 entitled to a \$20 credit toward a new permit. The
20 credit is valid until fully utilized; and

21 (c) For a nonresident, a \$75 application fee that
22 must be paid to the Treasurer of State; and

23 **Sec. 9. 25 MRSA §2003, sub-§3,** as enacted by PL 1985, c. 478,
24 §2, is amended to read:

25 **3. Copy of laws furnished to applicant.** A copy of this
26 chapter and the definitions from other chapters which that are
27 used in this chapter shall must be provided to every applicant.

28 **Sec. 10. 25 MRSA §2003, sub-§3-A,** as enacted by PL 1989, c.
29 917, §12, is amended to read:

30 **3-A. Forms.** The Attorney General shall develop ~~model~~ forms
31 ~~for the following:~~ to be used by the Chief of the State Police
32 and model forms to be used by the chiefs of police to carry out
33 the purposes of this chapter.

34 ~~A. An application for a resident permit to carry concealed~~
35 ~~firearms;~~

36 ~~B. An application for a nonresident permit to carry~~
37 ~~concealed firearms;~~

38 ~~C. A resident permit to carry concealed firearms of which a~~
39 ~~photograph is an integral part;~~

2 ~~D.--A-resident-permit-to-carry-concealed-firearms-of-which-a
photograph-is-not-an-integral-part;~~

4 ~~E.--A-nonresident-permit-to-carry-concealed-firearms;-and~~

6 ~~F.---Authority--to--release--information--to--the--issuing
authority-for-the-purpose-of-evaluating-information-supplied
8 on-the-application.~~

10 Each issuing authority shall provide and utilize only the model
12 forms developed by the Attorney General.

14 **Sec. 11. 25 MRSA §2003, sub-§4, ¶B,** as amended by PL 1989, c.
924, §14, is further amended to read:

16 B. Information of record relative to 3 or more convictions
18 of the applicant for crimes punishable by less than one year
imprisonment or one or more adjudications of the applicant
20 for juvenile offenses involving conduct that, if committed
by an adult, is would be punishable by less than one year
22 imprisonment;

24 **Sec. 12. 25 MRSA §2003, sub-§8,** as amended by PL 1993, c. 289,
§1, is further amended to read:

26 **8. Term of permit.** All A concealed firearm ~~permits--are~~
permit is valid for 4 5 years from the date of issue, unless
28 sooner revoked for cause by the issuing authority. If a new
permit ~~renewal~~ is issued before the expiration date of the an
30 existing permit ~~being--renewed~~ or within 6 months of the
expiration date of the existing permit ~~being--renewed~~, the new
32 permit ~~renewal~~ is valid for 4 5 years from the expiration date of
the existing permit ~~being--renewed~~.

34 **Sec. 13. 25 MRSA §2003, sub-§9,** as enacted by PL 1985, c. 478,
36 §2, is amended to read:

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

46 A. The name, address and physical description of the permit
48 holder;

50 B. The permit holder's signature;

2 C. The date of issuance;

4 D. The date of expiration; and

6 E. A photograph of the permit holder.

8 **Sec. 14. 25 MRSA §2003, sub-§10**, as enacted by PL 1985, c.
478, §2, is amended to read:

10

10 **10. Validity of permit throughout the State.** Permits
12 issued authorize the person to carry these concealed firearms
throughout the State.

14

14 **Sec. 15. 25 MRSA §2003, sub-§11**, as enacted by PL 1985, c.
16 478, §2, is repealed and the following enacted in its place:

18

18 **11. Prohibited conduct.** A permit holder may not:

20

20 A. Carry a concealed firearm without having the permit in
22 that permit holder's immediate possession; or

22

24 B. Fail to display the permit holder's permit to a law
24 enforcement officer upon that officer's demand.

26

26 **Sec. 16. 25 MRSA §2003, sub-§11-A** is enacted to read:

28

28 **11-A. Penalty.** A person who violates this section commits
30 a civil violation for which a forfeiture of no more than \$200 may
be adjudged, except that:

32

32 A. A person charged with violating this section may not be
34 adjudicated as having committed a civil violation if the
person produces in court the concealed firearms permit,
36 which was valid at the time of the issuance of the summons
to court; or

38

38 B. A complaint may not be issued against a person if the
40 person exhibits the permit to a law enforcement officer
designated by the summoning officer not later than 24 hours
42 before the time set for the court appearance.

42

44 **Sec. 17. 25 MRSA §2003, sub-§12**, as amended by PL 1991, c.
865, §3, is further amended to read:

46

46 **12. Permit for a resident of 5 or more years to be issued**
48 **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
50 issuing authority, as defined in this chapter, shall issue or
deny, and reply in writing as to the reason for any denial,

2 within 30 days of the application date in the case of a resident
4 of 5 or more years and within 60 days of the application date in
6 the case of a nonresident or in the case of a resident of less
8 than 5 years. If the issuing authority does not issue or deny a
request for a new 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
new permit.

10 **Sec. 18. 25 MRSA §2003, sub-§14**, as enacted by PL 1991, c.
865, §5, is repealed.

12 **Sec. 19. 25 MRSA §2003, sub-§§15 and 16**, as enacted by PL 1993,
14 c. 524, §12, are repealed.

16 SUMMARY

18 This bill makes the following changes to the chapter
20 regarding permits to carry concealed firearms:

22 1. Specifies that the only issuing authorities for permits
24 are a full-time chief of police for legal residents of a
municipality and the Chief of the State Police for all others;

26 2. Clarifies that an issuing authority verify information
28 about an applicant and ensure all criteria are satisfied before
issuing a permit to an applicant;

30 3. Requires an applicant for a permit to be at least 21
32 years of age;

34 4. Requires an applicant for a permit to be photographed
and for any permit issued to include that photograph;

36 5. Requires an applicant for a permit to submit to a
38 criminal history record check;

40 6. Repeals the provisions regarding permit renewals and
42 increases the permit fee to \$45 for legal residents and private
investigators licensed in the State and \$75 for nonresidents;

44 7. Clarifies that the Attorney General shall develop all
46 forms for the Chief of the State Police and forms for police
chiefs that are necessary for the permitting process and that
those issuing authorities shall provide and use only those forms;

48 8. Lengthens the term of a permit from 4 years to 5 years;
50 and

2 9. Clarifies that a person may not carry a concealed
4 firearm without having the permit in that permit holder's
6 immediate possession and that the permit holder may not fail to
display the permit holder's permit to a law enforcement officer
upon that officer's demand. A person who violates these
provisions commits a civil violation.