

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1433

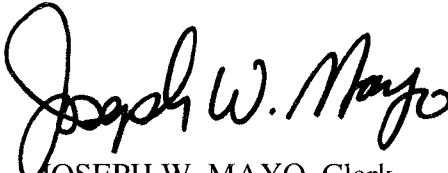
H.P. 1022

House of Representatives, February 23, 1999

**An Act to Repeal the Requirement That a Person Have a Permit to Carry  
a Concealed Weapon.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative TRACY of Rome.  
Cosponsored by Representative MACK of Standish.

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

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**Sec. 1. 15 MRSA §393, sub-§2**, as amended by PL 1993, c. 368, §3, is further amended to read:

**2. Application after 5 years.** A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a firearm. ~~That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252.~~

**Sec. 2. 17-A MRSA §1057, sub-§3**, as enacted by PL 1989, c. 917, §2, is repealed.

**Sec. 3. 17-A MRSA §1057, sub-§5**, as amended by PL 1995, c. 65, Pt. A, §57 and affected by §153 and Pt. C, §15, is further amended to read:

5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive blood-alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive blood-alcohol level" means 0.08% or more by weight of alcohol in the blood. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive blood-alcohol level within the meaning of this section are those applicable pursuant to Title 29-A, sections 2411 and 2431, ~~except that the suspension of a permit to carry concealed firearms issued pursuant to Title 25, chapter 252, or of the authority of a private investigator licensed to carry a concealed firearm pursuant to Title 32, chapter 89, is as provided in those chapters.~~

**Sec. 4. 17-A MRSA §1057, sub-§6**, as enacted by PL 1989, c. 917, §2, is amended to read:

6. Criminal possession of a firearm is a Class D crime. In addition, ~~as part of every judgment of conviction and sentence imposed, the court shall:~~

A. ~~Revoke any permit to carry a concealed firearm issued to the person so convicted;~~ and

B. ~~If the person so convicted is licensed as a private investigator, suspend for a period of 5 years that person's right as a private investigator to carry a concealed firearm.~~

2 ~~A person convicted of a violation of this section is not eligible~~  
3 ~~to obtain or apply for a permit to carry a concealed firearm for~~  
4 ~~5 years from the date of that conviction.~~

5 **Sec. 5. 25 MRSA §1058** is enacted to read:

6 **§1058. Carrying a concealed firearm without proof of safety**  
7 **course**

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10 A person who carries a concealed firearm without valid proof  
11 of successful completion of a handgun safety course as required  
12 by Title 25, section 2013 or a waiver of that requirement commits  
13 a Class D crime.

14 **Sec. 6. 25 MRSA c. 252, as amended, is repealed.**

15 **Sec. 7. 25 MRSA §2013** is enacted to read:

16 **§2013. Concealed firearms safety course requirements**

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19 A person who carries a concealed firearm shall carry proof  
20 that the person has completed a course that included handgun  
21 safety offered by or under the supervision of a federal, state,  
22 county or municipal law enforcement agency or a firearms  
23 instructor certified by a private firearms association recognized  
24 as knowledgeable in matters of firearms safety by the  
25 Commissioner of Public Safety or by the state in which the course  
26 was taken. A course completion certificate or other document, or  
27 a photocopy, is sufficient if it recites or otherwise  
28 demonstrates that the course meets all of the requirements of  
29 this section.

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32 A person who was licensed to carry a concealed weapons  
33 permit under former chapter 252 may apply for a waiver of this  
34 requirement to the Commissioner of Public Safety. If the  
35 commissioner grants the waiver, the commissioner shall issue to  
36 the person proof of that waiver.

37 **Sec. 8. 30-A MRSA §2801, sub-§3-A, as amended by PL 1989, c.**  
38 **104, Pt. C, §§8 and 10, is repealed.**

39 **Sec. 9. 32 MRSA §8120-A, as enacted by PL 1997, c. 360, §5,**  
40 **is amended to read:**

41 **§8120-A. Firearms**

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44 A private investigator licensed under this chapter may carry  
45 a firearm while performing the duties of a private investigator  
46 only after being issued a concealed weapons permit by the Chief  
47 of the State Police under Title 25, chapter 252 and passing the  
48 written firearms examination prescribed by the commissioner.

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## SUMMARY

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This bill repeals the requirement that a person obtain a permit prior to carrying a concealed weapon.

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This bill requires a person who wants to carry a concealed firearm to complete a handgun safety course and to carry proof of the successful completion of that course. Failure to obtain and carry such proof while carrying a concealed firearm is a Class D crime. A person who had a concealed weapon permit may apply to the Commissioner of Public Safety for a waiver of the safety course requirement.

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