

MAINE STATE LEGISLATURE

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R.S.

L.D. 2484

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DATE: **3-29-00**

(Filing No. H-**960**)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT "**B**" to COMMITTEE AMENDMENT "A" to H.P. 1771, L.D. 2484, Bill, "An Act to Limit the Issuance of Concealed Firearms Permits"

Amend the amendment by inserting before section 1 the following:

Sec. 1. 12 MRSA §7946, as amended by PL 1997, c. 116, §2, is repealed.

Sec. 2. 15 MRSA §393, sub-§1, as amended by PL 1997, c. 334, §§1 and 2, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm, ~~--unless that person has-obtained-a-permit-under-this-section,~~ if that person:

A. Has been convicted of a crime, under the laws of the United States, this State or any other state, that is punishable by imprisonment for one year or more;

B. Has been convicted of a crime, under the laws of the United States, this State or any other state, that was committed with the use of a dangerous weapon or a firearm against a person, except for a violation of former Title 12, chapter 319, subchapter III;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

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2 (1) Under paragraph A and bodily injury to another
4 person was threatened or resulted; or

6 (2) Under paragraph B; or

8 D. Is subject to an order of a court of the United States
10 or a state, territory, commonwealth or tribe that restrains
12 that person from harassing, stalking or threatening an
14 intimate partner, as defined in 18 United States Code,
16 Section 921(a), of that person or a child of the intimate
18 partner of that person, or from engaging in other conduct
that would place the intimate partner in reasonable fear of
bodily injury to the intimate partner or the child, except
that this paragraph applies only to a court order that was
issued after a hearing for which that person received actual
notice and at which that person had the opportunity to
participate and that:

20 (1) Includes a finding that the person represents a
22 credible threat to the physical safety of an intimate
partner or a child; or

24 (2) By its terms, explicitly prohibits the use,
26 attempted use or threatened use of physical force
against an intimate partner or a child that would
28 reasonably be expected to cause bodily injury; or

30 E. Carries the firearm with the intent or declared purpose
of:

32 (1) Injuring another person, other than in
self-defense; or

34 (2) Committing a crime.

36 For the purposes of this subsection, a person is deemed to have
38 been convicted upon the acceptance of a plea of guilty or nolo
contendere or a verdict or finding of guilty, or the equivalent
40 in a juvenile case, by a court of competent jurisdiction.

42 **Sec. 3. 15 MRSA §393, sub-§2, as amended by PL 1993, c. 368,**
44 **§3, is further amended to read:**

46 **2. Application after 5 years.** A person subject to the
48 provisions of subsection 1, paragraph A, B, C or D 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
50 Safety for a permit to carry a firearm. ~~That person may not be~~

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~~issued a permit to carry a concealed firearm pursuant to Title
25, chapter 252.~~

Sec. 4. 15 MRSA §393, sub-§8, as repealed and replaced by PL
1997, c. 683, Pt. B, §8, is amended to read:

8. Penalty. A violation of subsection 1, paragraph A, B or
C is a Class C crime. A violation of subsection 1, paragraph D
or E is a Class D crime. A violation of subsection 1-A by a
person at least 18 years of age is a Class C crime.

Sec. 5. 17-A MRSA §1057, sub-§3, as enacted by PL 1989, c.
917, §2, is repealed.

Sec. 6. 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 these
chapters that chapter.

Sec. 7. 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 or right to carry a concealed firearm
issued to or possessed by 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.

~~A person convicted of a violation of this section is not eligible
to obtain or apply for a permit to carry a concealed firearm for~~

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2 may, after the expiration of 5 years from the date of that
3 conviction, apply to the Commissioner of Public Safety for a
4 permit to carry a firearm pursuant to Title 15, section 393,
5 subsection 2.'

6 Further amend the amendment in section 1 in that part
7 designated "~~§4007-A.~~" in the first paragraph in the 3rd line
8 (page 1, line 32 in amendment) by striking out the following:
9 "apply for a concealed firearms permit" and inserting in its
10 place the following: 'carry a concealed firearm'

12 Further amend the amendment in section 1 in that part
13 designated "~~§4007-A.~~" in the first paragraph by striking out all
14 of the 2nd and 3rd sentences (page 1, lines 34 to 38 in amendment)

16 Further amend the amendment by striking out all of sections
17 2 to 6 and inserting in their place the following:

18 '**Sec. 2. 25 MRSA c. 252,** as amended, is repealed.
20

21 **Sec. 3. 30-A MRSA §2801, sub-§3-A,** as enacted by PL 1987, c.
22 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
23 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.
24

25 **Sec. 4. 32 MRSA §8120-A,** as enacted by PL 1997, c. 360, §5,
26 is amended to read:

27 **§8120-A. Firearms**

28 A private investigator licensed under this chapter may carry
29 a firearm while performing the duties of a private investigator
30 ~~only after being issued a concealed weapons permit by the Chief~~
31 ~~of the State Police under Title 25, chapter 252 and passing the~~
32 ~~written firearms examination prescribed by the commissioner~~
33 ~~unless otherwise prohibited pursuant to Title 15, section 393 or~~
34 ~~Title 17-A, section 1057.'~~
35

36 Further amend the amendment by relettering or renumbering
37 any nonconsecutive Part letter or section number to read
38 consecutively.
39

40
41 **FISCAL NOTE**

42
43 **2000-01**

44
45 **REVENUES**

46
47 General Fund (\$67,149)
48 Other Funds (94,393)

2 Repeal of the laws that require permits for concealed
3 weapons will reduce annual General Fund revenue collected by the
4 Department of Public Safety from permit fees by \$67,149 beginning
5 in fiscal year 2000-01. The repeal of these laws will also
6 reduce annual dedicated revenue collected from permit fees by
7 \$94,393 beginning in fiscal year 2000-01.

8
9 The Judicial Department may realize some minor savings from
10 reductions of workload, administrative costs and indigent defense
11 costs associated with the minimal number of cases that will no
12 longer be filed in the court system. Reductions in the
13 collection of fines may decrease General Fund revenue by minor
14 amounts.

15 This bill, as amended, may reduce prosecutions for Class D
16 and Class E crimes. If the number of jail sentences is reduced,
17 the savings to the counties are estimated to be \$83.36 per day
18 per prisoner. The amount of any reduction of jail time and the
19 resulting savings to the county jail system are expected to be
20 insignificant.

24 SUMMARY

25 This amendment removes from current law the requirement that
26 a person obtain a permit to carry a concealed firearm. Under
27 this amendment, a person may carry a concealed firearm unless
28 that person has been convicted of certain crimes or carries the
29 firearm with the intent or declared purpose of injuring another
30 person, except in self-defense, or with the intent or declared
31 purpose of committing a crime, which is similar to Vermont law.
32 This amendment retains the intent of Committee Amendment "A" by
33 prohibiting a person who is the subject of a protective order
34 from carrying a concealed weapon for at least 2 years after the
35 person is no longer the subject of the protective order.

36
37 This amendment also repeals the provision of law that
38 declares possession of a loaded firearm on or within 10 feet of a
39 paved way to be evidence of hunting.

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44 SPONSORED BY: Adam Mack
45 (Representative MACK)

46 TOWN: Standish
47
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