

MAINE STATE LEGISLATURE

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**MAJORITY
CRIMINAL JUSTICE**

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

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

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

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Sec. 1. 19-A MRSA §4007-A is enacted to read:

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§4007-A. Concealed firearms permit prohibited

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A person who is the subject of a protective order granted under section 4007 or who is the subject of any similar order may not apply for a concealed firearms permit for at least 2 years after that person is no longer the subject of the protective order. If a concealed firearms permit holder becomes the subject of a protective order, that person's permit must be revoked. That person may not reapply for a permit for at least 2 years after the person is no longer the subject of the protective order. For purposes of this section, a "similar order" means an order issued by any court of the United States or of any other state, territory, commonwealth or tribe that restrains the person from harassing, stalking or threatening an intimate partner or a child of an intimate partner or from engaging in other conduct that would place the intimate partner or the intimate partner's child in reasonable fear of bodily injury, except that this section applies only when the court order was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate. For purposes of this section, "intimate partner" has the same meaning as defined in 18 United States Code, Section 921(a)(32).

COMMITTEE AMENDMENT

R. & S.

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Sec. 2. 25 MRSA §2003, sub-§1, ¶C-1 is enacted to read:

C-1. Is not the subject of a protective order under Title 19-A, section 4007 or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe that restrains the person from harassing, stalking or threatening an intimate partner or a child of an intimate partner or from engaging in other conduct that would place the intimate partner or the intimate partner's child in reasonable fear of bodily injury, except that this paragraph applies only when the court order was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate. For purposes of this paragraph, "intimate partner" has the same meaning as defined in 18 United States Code, Section 921(a)(32);

Sec. 3. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c. 524, §§6 and 7, is further amended by enacting subparagraph (j-1), division (j-1) to read:

(j-1) Within the past 2 years have you been the subject of a protective order under Title 19-A, section 4007 or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening an intimate partner or a child of an intimate partner or from engaging in other conduct that would place the intimate partner or the intimate partner's child in reasonable fear of bodily injury, except that this division applies only when the court order was issued after a hearing for which you received actual notice and at which you had the opportunity to participate? For purposes of this division, "intimate partner" has the same meaning as defined in 18 United States Code, Section 921(a)(32).

Sec. 4. 25 MRSA §2005, sub-§1, ¶¶D and E, as enacted by PL 1989, c. 917, §13, are amended to read:

D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; ex

2 E. For conduct that occurred after a permit was issued,
4 that the permit holder was convicted of any violation of
Title 17-A, chapter 45; or

6 **Sec. 5. 25 MRSA §2005, sub-§1, ¶F** is enacted to read:

8 F. For conduct that occurred after a permit was issued,
10 that the permit holder became the subject of a protective
12 order under Title 19-A, section 4007 or of any similar order
14 issued by any court of the United States or of any other
16 state, territory, commonwealth or tribe that restrains the
18 permit holder from harassing, stalking or threatening an
20 intimate partner or a child of an intimate partner or from
22 engaging in other conduct that would place the intimate
24 partner or the intimate partner's child in reasonable fear
of bodily injury, except that this paragraph applies only
when the court order was issued after a hearing for which
that permit holder received actual notice and at which that
permit holder had the opportunity to participate. For
purposes of this paragraph, "intimate partner" has the same
meaning as defined in 18 United States Code, Section
921(a)(32).

26 **Sec. 6. 25 MRSA §2005, sub-§3,** as amended by PL 1989, c. 917,
§15, is further amended to read:

28 **3. Reapplication.** If a permit has been revoked solely
30 under subsection 1, paragraph D, the former permit holder may
reapply upon successful completion of a substance abuse treatment
32 program approved by the Department of Human Services as
appropriate for the permit holder's problem or condition. If a
34 permit has been revoked solely under subsection 1, paragraph F,
the former permit holder may reapply 2 years after the former
permit holder is no longer the subject of a protective order.
36 Except as specified in this subsection, no person, otherwise
eligible, who has had a permit revoked, is eligible for
38 reapplication until the expiration of 5 years from the date of
revocation.'

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

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46 **'FISCAL NOTE**

48 Prohibiting the issuance of concealed firearms permits to
certain individuals will result in insignificant reductions of
General Fund revenue and dedicated revenue to the Department of
50 Public Safety from permit fees.'

R. G. S.

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SUMMARY

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6 The amendment replaces the bill and is the majority report
8 of the Joint Standing Committee on Criminal Justice. The
10 amendment prohibits the issuance of a concealed firearms permit
12 to a person who is the subject of a protective order and
14 specifies that the person can not apply to receive a concealed
16 firearms permit until at least 2 years after the person is no
longer the subject of the protective order. If a concealed
firearms permit holder becomes the subject of a protective order,
that person's permit must be revoked. That person may not
reapply for a permit for at least 2 years after the person is no
longer the subject of the protective order. The amendment also
adds a fiscal note.