

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 267

H.P. 230

House of Representatives, January 23, 2001

**An Act to Repeal the Requirement That a Person Have a Permit for
Concealed Firearms.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TRACY of Rome.

Cosponsored by Senator DAVIS of Piscataquis and

Representatives: BUCK of Yarmouth, CARR of Lincoln, JODREY of Bethel, KASPRZAK of
Newport, PERKINS of Penobscot, SCHNEIDER of Durham, SHERMAN of Hodgdon,
WATERHOUSE of Bridgton.

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Sec. 2. 17-A MRSA §1057, sub-§3, as enacted by PL 1989, c. 917, §2, is repealed.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 these 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
to obtain or apply for a permit to carry a concealed firearm for
5 years from the date of that conviction.

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6 **Sec. 5. 17-A MRSA §1058** is enacted to read:

8 **§1058. Carrying concealed firearm without proof of safety
course**

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

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16 **Sec. 6. 25 MRSA c. 252**, as amended, is repealed.

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

20 **§2013. Concealed firearms safety course requirements**

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

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

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

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

44 **§8120-A. Firearms**

46
48 A private investigator licensed under this chapter may carry
a firearm while performing the duties of a private investigator
only after being issued a concealed weapons permit by the Chief

~~of the State Police under Title 25, chapter 252 and~~ passing the
2 written firearms examination prescribed by the commissioner.

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SUMMARY

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

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12 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
14 carry such proof while carrying a concealed firearm is a Class D
crime. A person who had a concealed firearms permit may apply to
the Commissioner of Public Safety for a waiver of the safety
16 course requirement.