

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1125

H.P. 828

House of Representatives, March 4, 2003

### An Act To Eliminate the Concealed Weapons Permit

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CRESSEY of Baldwin.

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

2  
4       **Sec. 1. 12 MRSA §7406, sub-§7**, as amended by PL 1999, c. 219, §1, is further amended to read:

6       **7. Shooting from or over a public paved way.** A person is  
8 guilty of hunting from or over a public paved way if that person  
10 shoots at any wild animal or wild bird from any public paved way  
12 or within 10 feet of the edge of the pavement of the public paved  
14 way or from within the right-of-way of any controlled access  
16 highway or discharges any firearm over a public paved way.  
Nothing in this subsection prohibits a person ~~who has a valid permit to carry a concealed weapon~~ from possessing such a weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

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

20       **2. Application after 5 years.** A person subject to the  
22 provisions of subsection 1 may, after the expiration of 5 years  
24 from the date that the person is finally discharged from the  
26 sentences imposed as a result of the conviction or adjudication,  
apply to the Commissioner of Public Safety for a permit to carry a  
concealed firearm ~~pursuant to Title 25, chapter 252.~~

28       **Sec. 3. 17-A MRSA §1057, sub-§3**, as enacted by PL 1989, c.  
30 917, §2, is amended to read:

32       **3.** It is not a defense to a prosecution under subsection 1  
34 that the person holds a permit to carry a concealed firearm  
issued under Title 25, former chapter 252.

36       **Sec. 4. 17-A MRSA §1057, sub-§5**, as amended by PL 1995, c. 65,  
38 Pt. A, §57 and affected by §153 and Pt. C, §15, is further  
amended to read:

40       **5.** For purposes of this section, "under the influence of  
42 intoxicating liquor or drugs or a combination of liquor and drugs  
or with an excessive blood-alcohol level" has the same meaning as  
44 "under the influence of intoxicants" as defined in Title 29-A,  
section 2401, subsection 13. "Excessive blood-alcohol level"  
46 means 0.08% or more by weight of alcohol in the blood.  
Standards, tests and procedures applicable in determining whether  
48 a person is under the influence or has an excessive blood-alcohol  
level within the meaning of this section are those applicable  
50 pursuant to Title 29-A, sections 2411 and 2431, ~~except that the suspension of a permit to carry concealed firearms issued~~

2 pursuant to Title 25, chapter 252, or of the authority of a  
private investigator licensed to carry a concealed firearm  
4 pursuant to Title 32, chapter 89, is as provided in these  
chapters.

6 **Sec. 5. 25 MRSA c. 252**, as amended, is repealed.

8 **Sec. 6. 26 MRSA §595, sub-§5, ¶A**, as enacted by PL 1987, c.  
558, §1, is repealed.

10 **Sec. 7. 30-A MRSA §2801, sub-§3-A**, as enacted by PL 1987, c.  
12 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6,  
c. 9, §2, c. 104, Pt. C, §§8 and 10, is repealed.

14 **Sec. 8. 32 MRSA §8120-A**, as enacted by PL 1997, c. 360, §5,  
16 is repealed.

18 **Sec. 9. 32 MRSA §9412, sub-§5**, as enacted by PL 1987, c. 170,  
§18, is amended to read:

20 **5. Dangerous weapons at labor disputes and strikes.** It is a  
22 Class D crime for any person, including, but not limited to,  
security guards and persons involved in a labor dispute or  
24 strike, to be armed with a dangerous weapon, as defined in Title  
17-A, section 2, subsection 9, at the site of a labor dispute or  
26 strike. ~~A person holding a valid permit to carry a concealed  
firearm is not exempt from this subsection.~~ A security guard is  
28 exempt from this subsection to the extent that federal laws,  
rules or regulations require the security guard to be armed with  
30 a dangerous weapon at the site of a labor dispute or strike.

32 **Sec. 10. Intent of the Legislature.** By repealing the provisions  
of law requiring permits for persons to carry concealed weapons,  
34 the Legislature does not intend to override in any way the  
provisions of the Maine Revised Statutes, Title 15, section 393  
36 or the order of any court of competent jurisdiction.

## 38 SUMMARY

40 This bill repeals the chapter that requires permits to carry  
42 concealed weapons in this State. The bill also clearly  
articulates that it is not the intent of the Legislature to  
44 override the Maine Revised Statutes, Title 15, section 393, which  
prohibits firearm possession by persons convicted of certain  
46 violent crimes or under court order because of certain violent  
behaviors.