

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 658

H.P. 488

House of Representatives, February 17, 2011

An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CRAFTS of Lisbon.
Cosponsored by Senator MASON of Androscoggin and
Representatives: AYOTTE of Caswell, BLACK of Wilton, CEBRA of Naples, CLARK of
Millinocket, DAVIS of Sangerville, FREDETTE of Newport, SARTY of Denmark,
TIMBERLAKE of Turner.

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

2 **Sec. 1. 25 MRSA §2001-A, sub-§1**, as enacted by PL 2003, c. 452, Pt. N, §2 and
3 affected by Pt. X, §2, is amended to read:

4 **1. Display or carrying prohibited.** A person may not, unless excepted by ~~a~~ another
5 provision of law:

6 A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife,
7 dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on
8 or defense of a person; or

9 B. Wear under the person's clothes or conceal about the person's person a firearm,
10 slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon
11 usually employed in the attack on or defense of a person- when the person is in or
12 entering:

13 (1) A structure, vehicle or craft owned, leased or operated by the State or a
14 political subdivision of the State after a reasonable request by the operator of the
15 structure, vehicle or craft to remove the dangerous or deadly weapon and place it
16 in the custody of the operator for temporary and secure storage;

17 (2) An event of limited duration that is either operated or sponsored by a public
18 entity or a private entity subject to a permit or license granted by a public entity
19 after a reasonable request by the operator or sponsor of the event to remove the
20 dangerous or deadly weapon and place it in the custody of the operator or sponsor
21 for temporary and secure storage;

22 (3) A polling place on the day of an election;

23 (4) The grounds or buildings of a school;

24 (5) A nuclear power plant or hydroelectric facility; or

25 (6) An establishment licensed under Title 28-A, chapter 43 for the sale of spirits,
26 wine or malt liquor to be consumed on the premises if the licensee has posted a
27 sign visible to the public that clearly prohibits the possession of weapons on the
28 licensed premises.

29 **Sec. 2. 25 MRSA §2003, sub-§1, ¶E**, as amended by PL 1993, c. 524, §8 and PL
30 2005, c. 236, §3 and 4, is further amended to read:

31 E. Does the following:

32 (1) At the request of the issuing authority, takes whatever action is required by
33 law to allow the issuing authority to obtain from the Department of Health and
34 Human Services, limited to records of patient committals to Riverview
35 Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law
36 enforcement agencies and the military information relevant to the following:

37 (a) The ascertainment of whether the information supplied on the application
38 or any documents made a part of the application is true and correct;

1 (b) The ascertainment of whether each of the additional requirements of this
2 section has been met; and

3 (c) Section 2005;

4 (2) If a photograph is an integral part of the permit to carry concealed firearms
5 adopted by an issuing authority, submits to being photographed for that purpose;

6 (3) If it becomes necessary to resolve any questions as to identity, submits to
7 having fingerprints taken by the issuing authority;

8 (4) Submits an application fee along with the written application to the proper
9 issuing authority pursuant to the following schedule:

10 (a) Resident of a municipality or unorganized territory, ~~\$35~~ \$10 for an
11 original application and ~~\$20~~ \$5 for a renewal, except that a person who paid
12 \$60 for a concealed firearms permit or renewal during 1991 or 1992 is
13 entitled to a credit toward renewal fees in an amount equal to \$30 for a
14 person who paid \$60 for an original application and \$45 for a person who
15 paid \$60 for a permit renewal. The credit is valid until fully utilized; and

16 (b) Nonresident, \$60 for an original or renewal application, except that a
17 person who paid \$80 for a concealed firearms permit during 1991 or 1992 is
18 entitled to a \$20 credit toward permit renewal fees. The credit is valid until
19 fully utilized; and

20 (5) Demonstrates to the issuing authority a knowledge of handgun safety. The
21 applicant may fully satisfy this requirement by submitting to the issuing
22 authority, through documentation in accordance with this subparagraph, proof
23 that the applicant has ~~within 5 years~~ prior to the date of application completed a
24 course that included handgun safety offered by or under the supervision of a
25 federal, state, county or municipal law enforcement agency or a firearms
26 instructor certified by a private firearms association recognized as knowledgeable
27 in matters of firearms safety by the issuing authority or by the state in which the
28 course was taken. A course completion certificate or other document, or a
29 photocopy, is sufficient if it recites or otherwise demonstrates that the course
30 meets all of the requirements of this subparagraph.

31 As an alternative way of fully satisfying this requirement, an applicant may
32 personally demonstrate knowledge of handgun safety to an issuing authority, if
33 the issuing authority is willing to evaluate an applicant's personal demonstration
34 of such knowledge. The issuing authority is not required to offer this 2nd option.

35 The demonstration of knowledge of handgun safety to the issuing authority may
36 not be required of any applicant who holds a valid ~~State~~ state permit to carry a
37 concealed firearm as of April 15, 1990 or of any applicant who was or is in any
38 of the Armed Forces of the United States and has received at least basic firearms
39 training.

40 **Sec. 3. 25 MRSA §2003, sub-§8**, as amended by PL 1993, c. 289, §1, is further
41 amended to read:

1 It changes the term of a concealed weapons permit from 4 years to 7 years.