

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1347

H.P. 988

House of Representatives, March 29, 2011

### **An Act Relating to Locations where Concealed Weapons May Be Carried**

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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 CEBRA of Naples.  
Cosponsored by Representative WATERHOUSE of Bridgton, Senator TRAHAN of Lincoln and Representatives: CLARK of Millinocket, CRAFTS of Lisbon, DAVIS of Sangerville, HANLEY of Gardiner, MARTIN of Eagle Lake, McKANE of Newcastle, PLUMMER of Windham, SARTY of Denmark.

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

2 **Sec. 1. 12 MRSA §1803, sub-§7** is enacted to read:

3 **7. Exceptions.** Notwithstanding subsection 6 or any other rule-making authority, the  
4 bureau may not may adopt rules that prohibit the following persons from carrying a  
5 concealed firearm in the buildings or parts of buildings and other public property that are  
6 under the bureau's jurisdiction:

7 A. A person to whom a valid permit to carry a concealed firearm has been issued  
8 under Title 25, chapter 252. The person must have in that person's possession the  
9 valid permit;

10 B. A person to whom a valid permit to carry a concealed firearm has been issued by  
11 another state if a permit to carry a concealed firearm issued from that state has been  
12 granted reciprocity under Title 25, chapter 252. The person must have in that  
13 person's possession the valid permit;

14 C. An authorized federal, state or local law enforcement officer in the performance  
15 of that officer's official duties;

16 D. A qualified law enforcement officer pursuant to 18 United States Code, Section  
17 926B. The law enforcement officer must have in that law enforcement officer's  
18 possession photographic identification issued by the law enforcement agency by  
19 which the person is employed as a law enforcement officer;

20 E. A qualified retired law enforcement officer pursuant to 18 United States Code,  
21 Section 926C. The retired law enforcement officer must have in the retired law  
22 enforcement officer's possession:

23 (1) Photographic identification issued by the law enforcement agency from  
24 which the person retired from service as a law enforcement officer that indicates  
25 that the person has, not less recently than one year before the date the person  
26 carries the concealed firearm, been tested or otherwise found by the agency to  
27 meet the standards established by the agency for training and qualification for  
28 active law enforcement officers to carry a firearm of the same type as the  
29 concealed firearm; or

30 (2) Photographic identification issued by the law enforcement agency from  
31 which the person retired from service as a law enforcement officer and a  
32 certification issued by the state in which the person resides that indicates that the  
33 person has, not less recently than one year before the date the person carries the  
34 concealed firearm, been tested or otherwise found by that state to meet the  
35 standards established by that state for training and qualification for active law  
36 enforcement officers to carry a firearm of the same type as the concealed firearm;  
37 and

38 F. A private investigator licensed under Title 32, chapter 89 who is actually  
39 performing as a private investigator.

40 **Sec. 2. 12 MRSA §11212, sub-§1, ¶B,** as amended by PL 2005, c. 477, §9, is  
41 further amended to read:

1 B. A person may not, while in or on a motor vehicle or in or on a trailer or other  
2 type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow  
3 or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip  
4 or cylinder or a muzzle-loading firearm charged with powder, lead and a primed  
5 ignition device or mechanism, except that ~~a person who has a valid Maine permit to~~  
6 ~~carry a concealed weapon~~ the following persons may have in or on a motor vehicle or  
7 trailer a loaded pistol or revolver ~~covered by that permit.~~

8 (1) A person to whom a valid permit to carry a concealed firearm has been  
9 issued under Title 25, chapter 252. The person must have in that person's  
10 possession the valid permit;

11 (2) A person to whom a valid permit to carry a concealed firearm has been  
12 issued by another state if a permit to carry a concealed firearm issued from that  
13 state has been granted reciprocity under Title 25, chapter 252. The person must  
14 have in that person's possession the valid permit;

15 (3) An authorized federal, state or local law enforcement officer in the  
16 performance of the officer's official duties;

17 (4) A qualified law enforcement officer pursuant to 18 United States Code,  
18 Section 926B. The law enforcement officer must have in the law enforcement  
19 officer's possession photographic identification issued by the law enforcement  
20 agency by which the person is employed as a law enforcement officer;

21 (5) A qualified retired law enforcement officer pursuant to 18 United States  
22 Code, Section 926C. The retired law enforcement officer must have in the retired  
23 law enforcement officer's possession:

24 (a) Photographic identification issued by the law enforcement agency from  
25 which the person retired from service as a law enforcement officer that  
26 indicates that the person has, not less recently than one year before the date  
27 the person carries the concealed firearm, been tested or otherwise found by  
28 the agency to meet the standards established by the agency for training and  
29 qualification for active law enforcement officers to carry a firearm of the  
30 same type as the concealed firearm; or

31 (b) Photographic identification issued by the law enforcement agency from  
32 which the person retired from service as a law enforcement officer and a  
33 certification issued by the state in which the person resides that indicates that  
34 the person has, not less recently than one year before the date the person  
35 carries the concealed firearm, been tested or otherwise found by that state to  
36 meet the standards established by that state for training and qualification for  
37 active law enforcement officers to carry a firearm of the same type as the  
38 concealed firearm; and

39 (6) A private investigator licensed under Title 32, chapter 89 who is actually  
40 performing as a private investigator.

41 **Sec. 3. 17-A MRSA §1057, sub-§1, ¶A**, as enacted by PL 1989, c. 917, §2, is  
42 amended to read:

1           A. ~~Not being a law enforcement officer or a private investigator licensed under Title~~  
2           ~~32, chapter 89 and actually performing as a private investigator~~ Except as provided in  
3           subsection 3-A, the person possesses any firearm on the premises of a licensed  
4           establishment posted to prohibit or restrict the possession of firearms in a manner  
5           reasonably likely to come to the attention of patrons, in violation of the posted  
6           prohibition or restriction; or

7           **Sec. 4. 17-A MRSA §1057, sub-§3,** as enacted by PL 1989, c. 917, §2, is  
8           repealed.

9           **Sec. 5. 17-A MRSA §1057, sub-§3-A** is enacted to read:

10          **3-A.** Notwithstanding subsection 1, paragraph A, a person may carry a firearm in a  
11          licensed establishment only as follows:

12          A. When the firearm is a concealed firearm carried by a person to whom a valid  
13          permit to carry a concealed firearm has been issued under Title 25, chapter 252. The  
14          person must have in that person's possession the valid permit;

15          B. When the firearm is a concealed firearm carried by a person to whom a valid  
16          permit to carry a concealed firearm has been issued by another state if a permit to  
17          carry a concealed firearm issued from that state has been granted reciprocity under  
18          Title 25, chapter 252. The person must have in that person's possession the valid  
19          permit;

20          C. When the firearm is carried by an authorized federal, state or local law  
21          enforcement officer in the performance of the officer's official duties;

22          D. When the firearm is a concealed firearm carried by a private investigator licensed  
23          under Title 32, chapter 89 who is actually performing as a private investigator;

24          E. When the firearm is a concealed firearm carried by a qualified law enforcement  
25          officer pursuant to 18 United States Code, Section 926B. The law enforcement  
26          officer must have in the law enforcement officer's possession photographic  
27          identification issued by the law enforcement agency by which the person is employed  
28          as a law enforcement officer; or

29          F. When the firearm is a concealed firearm carried by a qualified retired law  
30          enforcement officer pursuant to 18 United States Code, Section 926C. The retired  
31          law enforcement officer must have in the retired law enforcement officer's  
32          possession:

33                 (1) Photographic identification issued by the law enforcement agency from  
34                 which the person retired from service as a law enforcement officer that indicates  
35                 that the person has, not less recently than one year before the date the person  
36                 carries the concealed firearm, been tested or otherwise found by the agency to  
37                 meet the standards established by the agency for training and qualification for  
38                 active law enforcement officers to carry a firearm of the same type as the  
39                 concealed firearm; or

40                 (2) Photographic identification issued by the law enforcement agency from  
41                 which the person retired from service as a law enforcement officer and a

1 certification issued by the state in which the person resides that indicates that the  
2 person has, not less recently than one year before the date the person carries the  
3 concealed firearm, been tested or otherwise found by that state to meet the  
4 standards established by that state for training and qualification for active law  
5 enforcement officers to carry a firearm of the same type as the concealed firearm.

6 **Sec. 6. 25 MRSA §2001-A, sub-§2**, as amended by PL 2007, c. 555, §1, is  
7 further amended to read:

8 **2. Exceptions.** The provisions of this section concerning the carrying of concealed  
9 weapons do not apply to:

10 A. ~~Firearms~~ A firearm carried by a person to whom a valid permit to carry a  
11 concealed firearm has been issued as provided in this chapter;

12 B. Disabling chemicals as described in Title 17-A, section 1002;

13 C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

14 D. ~~Law~~ A firearm carried by a law enforcement officers officer, a corrections  
15 officers and officer or a corrections supervisors supervisor as permitted in writing by  
16 their the officer's or supervisor's employer;

17 E. ~~Firearms~~ A firearm carried by a person engaged in conduct for which a state-  
18 issued hunting or trapping license is required and possessing the required license, or  
19 ~~firearms~~ a firearm carried by a resident person engaged in conduct expressly  
20 authorized by Title 12, section 11108 and section 12202, subsection 1. This  
21 paragraph does not authorize or permit the carrying of a concealed or loaded firearm  
22 in a motor vehicle, except as provided by Title 12, section 11212, subsection 1,  
23 paragraph B; and

24 F. A firearm carried by a person to whom a valid permit to carry a concealed firearm  
25 has been issued by another state if a permit to carry a concealed firearm issued from  
26 that state has been granted reciprocity. The Chief of the State Police may enter into  
27 reciprocity agreements with any other states that meet the requirements of this  
28 paragraph. Reciprocity may be granted to a permit to carry a concealed firearm  
29 issued from another state if:

30 (1) The other state that issued the permit to carry a concealed firearm has  
31 substantially equivalent or stricter requirements for the issuance of a permit to  
32 carry a concealed firearm; and

33 (2) The other state that issued the permit to carry a concealed firearm observes  
34 the same rules of reciprocity regarding a person issued a permit to carry a  
35 concealed firearm under this chapter;

36 G. A firearm carried by an authorized federal, state or local law enforcement officer  
37 in the performance of the officer's official duties;

38 H. A firearm carried by a qualified law enforcement officer pursuant to 18 United  
39 States Code, Section 926B. The law enforcement officer must have in the law  
40 enforcement officer's possession photographic identification issued by the law  
41 enforcement agency by which the person is employed as a law enforcement officer;

1 I. A firearm carried by a qualified retired law enforcement officer pursuant to 18  
2 United States Code, Section 926C. The retired law enforcement officer must have in  
3 the retired law enforcement officer's possession:

4 (1) Photographic identification issued by the law enforcement agency from  
5 which the person retired from service as a law enforcement officer that indicates  
6 that the person has, not less recently than one year before the date the person  
7 carries the concealed firearm, been tested or otherwise found by the agency to  
8 meet the standards established by the agency for training and qualification for  
9 active law enforcement officers to carry a firearm of the same type as the  
10 concealed firearm; or

11 (2) Photographic identification issued by the law enforcement agency from  
12 which the person retired from service as a law enforcement officer and a  
13 certification issued by the state in which the person resides that indicates that the  
14 person has, not less recently than one year before the date the person carries the  
15 concealed firearm, been tested or otherwise found by that state to meet the  
16 standards established by that state for training and qualification for active law  
17 enforcement officers to carry a firearm of the same type as the concealed firearm;  
18 and

19 J. A firearm carried by a private investigator licensed under Title 32, chapter 89 who  
20 is actually performing as a private investigator.

21 **Sec. 7. 25 MRSA §2904, sub-§3** is enacted to read:

22 **3. Exceptions.** Notwithstanding subsections 1 and 2, neither the Commissioner of  
23 Public Safety nor the officials of governmental units listed in subsection 2 may adopt  
24 rules that prohibit the following persons from carrying a concealed firearm in the  
25 buildings or parts of buildings and other public property that are under their respective  
26 supervisions:

27 A. A person to whom a valid permit to carry a concealed firearm has been issued  
28 under Title 25, chapter 252. The person must have in that person's possession the  
29 valid permit;

30 B. A person to whom a valid permit to carry a concealed firearm has been issued by  
31 another state if a permit to carry a concealed firearm issued from that state has been  
32 granted reciprocity under Title 25, chapter 252. The person must have in that  
33 person's possession the valid permit;

34 C. An authorized federal, state or local law enforcement officer in the performance  
35 of the officer's official duties;

36 D. A qualified law enforcement officer pursuant to 18 United States Code, Section  
37 926B. The law enforcement officer must have in the law enforcement officer's  
38 possession photographic identification issued by the law enforcement agency by  
39 which the person is employed as a law enforcement officer;

40 E. A qualified retired law enforcement officer pursuant to 18 United States Code,  
41 Section 926C. The retired law enforcement officer must have in the retired law  
42 enforcement officer's possession:

1           (1) Photographic identification issued by the law enforcement agency from  
2           which the person retired from service as a law enforcement officer that indicates  
3           that the person has, not less recently than one year before the date the person  
4           carries the concealed firearm, been tested or otherwise found by the agency to  
5           meet the standards established by the agency for training and qualification for  
6           active law enforcement officers to carry a firearm of the same type as the  
7           concealed firearm; or

8           (2) Photographic identification issued by the law enforcement agency from  
9           which the person retired from service as a law enforcement officer and a  
10           certification issued by the state in which the person resides that indicates that the  
11           person has, not less recently than one year before the date the person carries the  
12           concealed firearm, been tested or otherwise found by that state to meet the  
13           standards established by that state for training and qualification for active law  
14           enforcement officers to carry a firearm of the same type as the concealed firearm;  
15           and

16           F. A private investigator licensed under Title 32, chapter 89 who is actually  
17           performing as a private investigator.

18           **Sec. 8. 26 MRSA §595, sub-§5**, as enacted by PL 1987, c. 558, §1, is amended to  
19           read:

20           **5. Dangerous weapons prohibited.** It is a Class D crime for any person, including,  
21           but not limited to, security guards and persons involved in a labor dispute, strike or  
22           lockout, to be armed with a dangerous weapon, as defined in Title 17-A, section 2,  
23           subsection 9, at a site where applications for employment with an employer involved in a  
24           labor dispute, strike or lockout are being received or where interviews of those job  
25           applicants are being conducted or where medical examinations of those job applicants are  
26           being performed; except that a firearm may be carried under these circumstances only as  
27           follows:

28           ~~A. A person holding a valid permit to carry a concealed firearm is not exempt from~~  
29           ~~this subsection.~~

30           ~~B. A~~ When the firearm is carried by a security guard is exempt from this subsection  
31           to the extent that federal laws or rules required require the security guard to be armed  
32           with a dangerous weapon at such a site;

33           ~~C. A public~~ When the firearm is carried by an authorized federal, state or local law  
34           enforcement officer is exempt from this subsection while on active duty in the public  
35           service. in the performance of the officer's official duties;

36           ~~D. A~~ When the firearm is carried by a security guard employed by an employer  
37           involved in a labor dispute, strike or lockout may be present at the location where  
38           applications for employment with the employer will be accepted, interviews of those  
39           applicants conducted or medical examinations of those applicants performed to the  
40           extent permitted under Title 32, chapter 93. Nothing in this section may be construed  
41           to extend or limit in any way the restrictions placed upon the location of private  
42           security guards under Title 32, chapter 93;

1 E. When the firearm is a concealed firearm carried by a person to whom a valid  
2 permit to carry a concealed firearm has been issued under Title 25, chapter 252. The  
3 person must have in that person's possession the valid permit;

4 F. When the firearm is a concealed firearm carried by a person to whom a valid  
5 permit to carry a concealed firearm has been issued by another state if a permit to  
6 carry a concealed firearm issued from that state has been granted reciprocity under  
7 Title 25, chapter 252. The person must have in that person's possession the valid  
8 permit;

9 G. When the firearm is a concealed firearm carried by a private investigator licensed  
10 under Title 32, chapter 89 who is actually performing as a private investigator;

11 H. When the firearm is a concealed firearm carried by a qualified law enforcement  
12 officer pursuant to 18 United States Code, Section 926B. The law enforcement  
13 officer must have in the law enforcement officer's possession photographic  
14 identification issued by the law enforcement agency by which the person is employed  
15 as a law enforcement officer; and

16 I. When the firearm is a concealed firearm carried by a qualified retired law  
17 enforcement officer pursuant to 18 United States Code, Section 926C. The retired  
18 law enforcement officer must have in the retired law enforcement officer's  
19 possession:

20 (1) Photographic identification issued by the law enforcement agency from  
21 which the person retired from service as a law enforcement officer that indicates  
22 that the person has, not less recently than one year before the date the person  
23 carries the concealed firearm, been tested or otherwise found by the agency to  
24 meet the standards established by the agency for training and qualification for  
25 active law enforcement officers to carry a firearm of the same type as the  
26 concealed firearm; or

27 (2) Photographic identification issued by the law enforcement agency from  
28 which the person retired from service as a law enforcement officer and a  
29 certification issued by the state in which the person resides that indicates that the  
30 person has, not less recently than one year before the date the person carries the  
31 concealed firearm, been tested or otherwise found by that state to meet the  
32 standards established by that state for training and qualification for active law  
33 enforcement officers to carry a firearm of the same type as the concealed firearm.

## 34 **SUMMARY**

35 This bill eliminates the prohibition on certain persons possessing firearms in certain  
36 locations, including state parks and historic sites, premises licensed for the consumption  
37 of alcohol, state property under the jurisdiction of the Department of Public Safety and  
38 the Legislative Council and locations of labor disputes. Specifically, notwithstanding any  
39 statutory provisions or rules prohibiting the possession of a firearm, the bill permits the  
40 following persons to possess firearms:

1           1. A person to whom a valid permit to carry a concealed firearm has been issued  
2 under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that  
3 person's possession the valid permit;

4           2. A person to whom a valid permit to carry a concealed firearm has been issued by  
5 another state if a permit to carry a concealed firearm issued from that state has been  
6 granted reciprocity under Title 25, chapter 252. The person must have in that person's  
7 possession the valid permit;

8           3. An authorized federal, state or local law enforcement officer in the performance of  
9 the officer's official duties;

10          4. A qualified law enforcement officer pursuant to 18 United States Code, Section  
11 926B. The law enforcement officer must have in the law enforcement officer's  
12 possession photographic identification issued by the law enforcement agency by which  
13 the person is employed as a law enforcement officer;

14          5. A qualified retired law enforcement officer pursuant to 18 United States Code,  
15 Section 926C. The retired law enforcement officer must have in the retired law  
16 enforcement officer's possession:

17           A. Photographic identification issued by the law enforcement agency from which the  
18 person retired from service as a law enforcement officer that indicates that the person  
19 has, not less recently than one year before the date the person is carrying the  
20 concealed firearm, been tested or otherwise found by the agency to meet the  
21 standards established by the agency for training and qualification for active law  
22 enforcement officers to carry a firearm of the same type as the concealed firearm; or

23           B. Photographic identification issued by the law enforcement agency from which the  
24 person retired from service as a law enforcement officer and a certification issued by  
25 the state in which the person resides that indicates that the person has, not less  
26 recently than one year before the date the person is carrying the concealed firearm,  
27 been tested or otherwise found by that state to meet the standards established by that  
28 state for training and qualification for active law enforcement officers to carry a  
29 firearm of the same type as the concealed firearm;

30          6. A private investigator licensed under Title 32, chapter 89 who is actually  
31 performing as a private investigator; and

32          7. A security guard to the extent that federal laws or rules required the security guard  
33 to be armed with a dangerous weapon at a labor dispute site or a security guard who is  
34 employed by an employer involved in a labor dispute, strike or lockout at the location  
35 where applications for employment with the employer will be accepted, interviews of  
36 those applicants conducted or medical examinations of those applicants performed.

37          This bill does not eliminate or amend provisions governing the possession of firearms  
38 in or on school property or courthouses.