

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1728

H.P. 1278

House of Representatives, January 3, 2012

An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
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 PLUMMER of Windham.

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

2 **Sec. 1. 25 MRSA §2003, sub-§1, ¶B,** as amended by PL 2011, c. 298, §7, is
3 further amended to read:

4 B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not
5 disqualified as a permit holder under that same section ~~and~~, is not disqualified to
6 possess a firearm based on federal law as a result of a criminal conviction and is not
7 disqualified as a permit holder under subsection 18;

8 **Sec. 2. 25 MRSA §2003, sub-§1, ¶D,** as amended by PL 2011, c. 298, §7, is
9 further amended to read:

10 D. Submits an application that contains the following:

11 (1) Full name;

12 (2) Full current address and addresses for the prior 5 years;

13 (3) The date and place of birth, height, weight, color of eyes, color of hair, sex
14 and race;

15 (4) A record of previous issuances of, refusals to issue and revocations of a
16 permit to carry concealed firearms, handguns or other concealed weapons by any
17 issuing authority in the State or any other jurisdiction. ~~The~~ Except as provided in
18 subsection 18, the record of previous refusals alone does not constitute cause for
19 refusal and the record of previous revocations alone constitutes cause for refusal
20 only as provided in section 2005; and

21 (5) Answers to the following questions:

22 (a) Are you less than 18 years of age?

23 (b) Is there a formal charging instrument now pending against you in this
24 State for a crime under the laws of this State that is punishable by
25 imprisonment for a term of one year or more?

26 (c) Is there a formal charging instrument now pending against you in any
27 federal court for a crime under the laws of the United States that is
28 punishable by imprisonment for a term exceeding one year?

29 (d) Is there a formal charging instrument now pending against you in another
30 state for a crime that, under the laws of that state, is punishable by a term of
31 imprisonment exceeding one year?

32 (e) If your answer to the question in division (d) is "yes," is that charged
33 crime classified under the laws of that state as a misdemeanor punishable by
34 a term of imprisonment of 2 years or less?

35 (f) Is there a formal charging instrument pending against you in another state
36 for a crime punishable in that state by a term of imprisonment of 2 years or
37 less and classified by that state as a misdemeanor, but that is substantially
38 similar to a crime that under the laws of this State is punishable by
39 imprisonment for a term of one year or more?

- 1 (g) Is there a formal charging instrument now pending against you under the
2 laws of the United States, this State or any other state or the Passamaquoddy
3 Tribe or Penobscot Nation in a proceeding in which the prosecuting authority
4 has pleaded that you committed the crime with the use of a firearm against a
5 person or with the use of a dangerous weapon as defined in Title 17-A,
6 section 2, subsection 9, paragraph A?
- 7 (h) Is there a formal charging instrument now pending against you in this or
8 any other jurisdiction for a juvenile offense that, if committed by an adult,
9 would be a crime described in division (b), (c), (d) or (f) and involves bodily
10 injury or threatened bodily injury against another person?
- 11 (i) Is there a formal charging instrument now pending against you in this or
12 any other jurisdiction for a juvenile offense that, if committed by an adult,
13 would be a crime described in division (g)?
- 14 (j) Is there a formal charging instrument now pending against you in this or
15 any other jurisdiction for a juvenile offense that, if committed by an adult,
16 would be a crime described in division (b), (c), (d) or (f), but does not
17 involve bodily injury or threatened bodily injury against another person?
- 18 (k) Have you ever been convicted of committing or found not criminally
19 responsible by reason of mental disease or defect of committing a crime
20 described in division (b), (c), (f) or (g)?
- 21 (l) Have you ever been convicted of committing or found not criminally
22 responsible by reason of mental disease or defect of committing a crime
23 described in division (d)?
- 24 (m) If your answer to the question in division (l) is "yes," was that crime
25 classified under the laws of that state as a misdemeanor punishable by a term
26 of imprisonment of 2 years or less?
- 27 (n) Have you ever been adjudicated as having committed a juvenile offense
28 described in division (h) or (i)?
- 29 (o) Have you ever been adjudicated as having committed a juvenile offense
30 described in division (j)?
- 31 (p) Are you currently subject to an order of a Maine court or an order of a
32 court of the United States or another state, territory, commonwealth or tribe
33 that restrains you from harassing, stalking or threatening your intimate
34 partner, as defined in 18 United States Code, Section 921(a), or a child of
35 your intimate partner, or from engaging in other conduct that would place
36 your intimate partner in reasonable fear of bodily injury to that intimate
37 partner or the child?
- 38 (q) Are you a fugitive from justice?
- 39 (r) Are you a drug abuser, drug addict or drug dependent person?
- 40 (s) Do you have a mental disorder that causes you to be potentially
41 dangerous to yourself or others?

- 1 (t) Have you been adjudicated to be an incapacitated person pursuant to Title
2 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an
3 order under Title 18-A, section 5-307, subsection (b)?
- 4 (u) Have you been dishonorably discharged from the military forces within
5 the past 5 years?
- 6 (v) Are you an illegal alien?
- 7 (w) Have you been convicted in a Maine court of a violation of Title 17-A,
8 section 1057 within the past 5 years?
- 9 (x) Have you been adjudicated in a Maine court within the past 5 years as
10 having committed a juvenile offense involving conduct that, if committed by
11 an adult, would be a violation of Title 17-A, section 1057?
- 12 (y) To your knowledge, have you been the subject of an investigation by any
13 law enforcement agency within the past 5 years regarding the alleged abuse
14 by you of family or household members?
- 15 (z) Have you been convicted in any jurisdiction within the past 5 years of 3
16 or more crimes punishable by a term of imprisonment of less than one year or
17 of crimes classified under the laws of a state as a misdemeanor and
18 punishable by a term of imprisonment of 2 years or less?
- 19 (aa) Have you been adjudicated in any jurisdiction within the past 5 years to
20 have committed 3 or more juvenile offenses described in division (o)?
- 21 (bb) To your knowledge, have you engaged within the past 5 years in
22 reckless or negligent conduct that has been the subject of an investigation by
23 a governmental entity?
- 24 (cc) Have you been convicted in a Maine court within the past 5 years of any
25 Title 17-A, chapter 45 drug crime?
- 26 (dd) Have you been adjudicated in a Maine court within the past 5 years as
27 having committed a juvenile offense involving conduct that, if committed by
28 an adult, would have been a violation of Title 17-A, chapter 45?
- 29 (ee) Have you been adjudged in a Maine court to have committed the civil
30 violation of possession of a useable amount of marijuana, butyl nitrite or
31 isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?
- 32 (ff) Have you been adjudicated in a Maine court within the past 5 years as
33 having committed the juvenile crime defined in Title 15, section 3103,
34 subsection 1, paragraph B of possession of a useable amount of marijuana, as
35 provided in Title 22, section 2383?; and

36 **Sec. 3. 25 MRSA §2003, sub-§18** is enacted to read:

37 **18. Nonresident applicant; prohibition.** An issuing authority may not issue a
38 nonresident permit to carry concealed handguns to a nonresident applicant who:

