

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 191

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H.P. 152

House of Representatives, February 5, 2013

### **An Act To Authorize the Suspension of a Concealed Handgun 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 MARKS of Pittston.

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

2 **Sec. 1. 25 MRSA §2005-B** is enacted to read:

3 **§2005-B. Suspension of permit for reasonable cause**

4 **1. Suspension.** The issuing authority may immediately suspend a permit to carry a  
5 concealed handgun if the issuing authority has reasonable cause to believe the permit  
6 holder may be subject to the revocation of that permit holder's permit pursuant to section  
7 2005, subsection 1.

8 **2. Surrender permit.** Upon notification of a suspension, a permit holder shall  
9 immediately surrender the permit to the issuing authority.

10 **3. Request for hearing.** A permit holder may make a written request to the issuing  
11 authority for a hearing to review the suspension determination of the issuing authority.  
12 The request must be made within 10 days from the effective date of the suspension.

13 **4. Issuance of decision.** Within 30 days of receipt of a written request for hearing  
14 under subsection 3, the issuing authority shall conduct a hearing and issue a decision.  
15 The issuing authority's decision under this subsection constitutes final agency action and  
16 may not be appealed.

17 **5. Delayed requests.** If a request for hearing under subsection 3 is made after the  
18 10-day period and the issuing authority finds that the permit holder was unable to make a  
19 timely request due to lack of actual notice of the suspension or due to physical incapacity,  
20 the issuing authority shall waive the period of limitation and grant the hearing request,  
21 except that a stay may not be granted.

22 **6. Suspensions pending decision.** If a permit holder requests a hearing under  
23 subsection 3, the suspension remains in effect pending the issuing authority's decision on  
24 the hearing.

25 **7. Suspension terminated.** Upon termination of the suspension, the issuing  
26 authority must return the permit within 5 days from the effective date of the termination if  
27 the permit holder is otherwise eligible to possess a permit.

28 **SUMMARY**

29 This bill allows the issuing authority of a concealed handgun permit to suspend that  
30 permit if the issuing authority has reasonable cause to believe the permit holder's permit  
31 may be subject to revocation. It also provides the permit holder an opportunity for a  
32 hearing on the issuing authority's decision to suspend the permit.