

MAINE STATE LEGISLATURE

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L.D. 222

Date: 3/28/14

(Filing No. S-470)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 183, L.D. 222, Bill, "An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun"

Amend the amendment by striking out all of sections 1 to 12 and inserting the following:

Sec. 1. 12 MRSA §756, sub-§3, ¶C, as enacted by PL 2009, c. 607, §1, is repealed.

Sec. 2. 12 MRSA §1803, sub-§7, as amended by PL 2013, c. 405, Pt. A, §24 and c. 424, Pt. A, §4, is further amended to read:

7. Exceptions. Notwithstanding subsection 6 or any other rule-making authority, the bureau may not adopt rules that prohibit ~~the following~~ persons who are legally entitled to possess a firearm from carrying a concealed handgun in the buildings or parts of buildings and other public property that are under the bureau's jurisdiction. Nothing in this section may be construed to permit the carrying or possession of a firearm where prohibited by state or federal law.

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

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

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

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

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

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

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

Sec. 3. 12 MRSA §11212, sub-§1, as amended by PL 2005, c. 477, §9, is further amended to read:

1. Prohibition. The following provisions apply to shooting from a motor vehicle or motorboat ~~or possessing a loaded firearm or a crossbow in a motor vehicle.~~

A. A person may not shoot while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle except:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; ~~and~~

(3) A person may shoot from a motorboat if that boat is not being propelled by its motor; and

(4) A person may shoot from a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle in defense of life or property.

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

1 C. A person may not possess a wild animal or wild bird taken in violation of
2 paragraph A ~~or B~~, except as otherwise provided in this Part.

3 **Sec. 4. 12 MRSA §11403, sub-§2, ¶B**, as amended by PL 2011, c. 298, §1, is
4 further amended to read:

5 B. A person may not carry firearms of any kind while hunting any species of wildlife
6 with bow and arrow during the regular archery-only season on deer, ~~except that a~~
7 ~~person who holds a license that allows hunting with firearms may carry a handgun.~~
8 This paragraph may not be construed to prohibit a person ~~who holds a valid permit to~~
9 ~~carry a concealed handgun pursuant to Title 25, section 2003~~ from carrying a
10 handgun for self-defense.

11 **Sec. 5. 15 MRSA §292** is repealed.

12 **Sec. 6. 25 MRSA §2001-A**, as amended by PL 2011, c. 691, Pt. A, §24, is
13 repealed and the following enacted in its place:

14 **§2001-A. Threatening display of weapon**

15 **1. Threatening display of weapon.** A person may not, unless excepted by a
16 provision of law, display in a threatening manner a firearm, slungshot, knuckles, bowie
17 knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack
18 on or defense of a person.

19 **3. Permitless carrying of weapon.** Nothing in this section may be construed to
20 impose a general prohibition on the permitless carrying, whether concealed or
21 unconcealed, of a dangerous or deadly weapon, including a loaded firearm.

22 **Sec. 7. 25 MRSA §2002, sub-§9, ¶A**, as enacted by PL 1993, c. 524, §2, is
23 amended to read:

24 A. To a legal resident of a municipality:

25 (1) ~~The mayor and municipal officers or councilors of a city, the municipal~~
26 ~~officers or councilors of a town or the assessors of a plantation or, if they so~~
27 ~~choose, their full-time chief of police as their designee~~ full-time chief of police of
28 a municipality; or

29 (2) ~~The Chief of the State Police as the designee of the municipal officers under~~
30 ~~section 2002-A;~~

31 (3) The Chief of the State Police if the municipality does not have a full-time
32 chief of police, unless the municipality has a contract with the county sheriff of
33 the county where the municipality is primarily located to provide continuous full-
34 time law enforcement services to that municipality, in which case the county
35 sheriff is the issuing authority;

36 **Sec. 8. 25 MRSA §2002-A**, as amended by PL 1993, c. 524, §4, is repealed.

37 **Sec. 9. 25 MRSA §2003**, as amended by PL 2011, c. 298, §7, is further amended
38 to read:

1 §2003. Optional permits to carry concealed handguns

2 1. Criteria for issuing optional permit. The issuing authority shall, upon written
3 application, issue a an optional permit to carry concealed handguns to an applicant over
4 whom it has issuing authority and who has demonstrated good moral character and who
5 meets the following requirements:

6 A. Is 18 years of age or older;

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

10 B-1. If a nonresident, has a valid concealed handgun permit from that nonresident's
11 state of residency. This paragraph does not apply to a nonresident whose state of
12 residency does not require a permit to carry a concealed handgun;

13 D. Submits an application that contains the following:

14 (1) Full name;

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

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

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

24 (5) ~~Answers~~ Subject to subsection 2-A, answers to the following questions:

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

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

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

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

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

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

- 6 (g) Is there a formal charging instrument now pending against you under the
- 7 laws of the United States, this State or any other state or the Passamaquoddy
- 8 Tribe or Penobscot Nation in a proceeding in which the prosecuting authority
- 9 has pleaded that you committed the crime with the use of a firearm against a
- 10 person or with the use of a dangerous weapon as defined in Title 17-A,
- 11 section 2, subsection 9, paragraph A?

- 12 (h) Is there a formal charging instrument now pending against you in this or
- 13 any other jurisdiction for a juvenile offense that, if committed by an adult,
- 14 would be a crime described in division (b), (c), (d) or (f) and involves bodily
- 15 injury or threatened bodily injury against another person?

- 16 (i) Is there a formal charging instrument now pending against you in this or
- 17 any other jurisdiction for a juvenile offense that, if committed by an adult,
- 18 would be a crime described in division (g)?

- 19 (j) Is there a formal charging instrument now pending against you in this or
- 20 any other jurisdiction for a juvenile offense that, if committed by an adult,
- 21 would be a crime described in division (b), (c), (d) or (f), but does not
- 22 involve bodily injury or threatened bodily injury against another person?

- 23 (k) Have you ever been convicted of committing or found not criminally
- 24 responsible by reason of mental disease or defect of committing a crime
- 25 described in division (b), (c), (f) or (g)?

- 26 (l) Have you ever been convicted of committing or found not criminally
- 27 responsible by reason of mental disease or defect of committing a crime
- 28 described in division (d)?

- 29 (m) If your answer to the question in division (l) is "yes," was that crime
- 30 classified under the laws of that state as a misdemeanor punishable by a term
- 31 of imprisonment of 2 years or less?

- 32 (n) Have you ever been adjudicated as having committed a juvenile offense
- 33 described in division (h) or (i)?

- 34 (o) Have you ever been adjudicated as having committed a juvenile offense
- 35 described in division (j)?

- 36 (p) Are you currently subject to an order of a Maine court or an order of a
- 37 court of the United States or another state, territory, commonwealth or tribe
- 38 that restrains you from harassing, stalking or threatening your intimate
- 39 partner, as defined in 18 United States Code, Section 921(a), or a child of
- 40 your intimate partner, or from engaging in other conduct that would place

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

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1 (ff) Have you been adjudicated in a Maine court within the past 5 years as
 2 having committed the juvenile crime defined in Title 15, section 3103,
 3 subsection 1, paragraph B of possession of a useable amount of marijuana, as
 4 provided in Title 22, section 2383?; and

5 E. Does the following:

6 (1) At the request of the issuing authority or the State Police, takes whatever
 7 action is required by law to allow the issuing authority or the State Police to
 8 obtain ~~from the Department of Health and Human Services, limited to~~ records of
 9 patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric
 10 Center or any other state mental health institute or nonstate mental health
 11 institution within the State, the courts, law enforcement agencies and the military
 12 information relevant to the following:

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

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

17 (c) Section 2005;

18 (2) ~~If a photograph is an integral part of the permit to carry concealed handguns~~
 19 ~~adopted by an issuing authority, submits~~ At the request of the issuing authority,
 20 submits to being photographed for ~~that purpose~~ a permit to carry a concealed
 21 handgun;

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

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

26 (a) Resident of a municipality or unorganized territory, ~~\$35~~ \$52.50 for an
 27 original application and ~~\$20~~ \$52.50 for a renewal, except that a person who
 28 paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is
 29 entitled to a credit toward renewal fees in an amount equal to \$30 for a
 30 person who paid \$60 for an original application and \$45 for a person who
 31 paid \$60 for a permit renewal. The credit is valid until fully utilized; ~~and~~

32 (b) Nonresident, ~~\$60~~ \$120 for an original or renewal application; and

33 (c) Resident, \$15 to replace a valid concealed handgun permit issued on or
 34 before January 1, 2016 with a permit issued under subsection 9; and

35 (5) Demonstrates to the issuing authority a knowledge of handgun safety. The
 36 applicant may fully satisfy this requirement by submitting to the issuing
 37 authority, through documentation in accordance with this subparagraph, proof
 38 that the applicant has ~~within 5 years prior to the date of application~~ completed a
 39 course that included handgun safety offered by or under the supervision of a
 40 federal, state, county or municipal law enforcement agency or a firearms

1 instructor certified by a private firearms association recognized as knowledgeable
2 in matters of handgun safety by the issuing authority or by the state in which the
3 course was taken. A course completion certificate or other document, or a
4 photocopy, is sufficient if it recites or otherwise demonstrates that the course
5 meets all of the requirements of this subparagraph.

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

10 The demonstration of knowledge of handgun safety to the issuing authority may
11 not be required of any applicant who holds a valid state permit to carry a
12 concealed firearm as of April 15, 1990 or of any applicant who was or is in any
13 of the Armed Forces of the United States and has received at least basic firearms
14 training.

15 **2. Complete application; certification by applicant.** The requirements set out in
16 subsection 1; constitute a complete application. By affixing the applicant's signature to
17 the application, the applicant certifies the following:

18 A. That the statements the applicant makes in the application and any documents the
19 applicant makes a part of the application are true and correct;

20 A-1. That the applicant understands that an affirmative answer to the question in
21 subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal
22 unless the applicant is nonetheless authorized to possess a firearm under Title 15,
23 section 393;

24 A-2. That the applicant understands that an affirmative answer to subsection 1,
25 paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the
26 court meets the preconditions contained in Title 15, section 393, subsection 1,
27 paragraph D. If the order of the court does not meet the preconditions, the conduct
28 underlying the order may be used by the issuing authority, along with other
29 information, in judging good moral character under subsection 4;

30 B. That the applicant understands that an affirmative answer to one or more of the
31 questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q)
32 to (x) is cause for refusal;

33 B-1. That the applicant understands that an affirmative answer to one or more of the
34 questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y),
35 (z) or (aa) to (ff) is used by the issuing authority, along with other information, in
36 judging good moral character under subsection 4; and

37 C. That the applicant understands any false statements made in the application or in
38 any document made a part of the application may result in prosecution as provided in
39 section 2004.

40 An applicant may provide the applicant's signature by an electronic means approved by
41 the State Police.

1 **2-A. Modification of questions.** The Attorney General may modify or reword the
 2 questions in subsection 1, paragraph D, subparagraph (5) to improve readability and
 3 clarity as long as the subject matter of the questions is retained. The Attorney General
 4 shall submit any proposed changes to those questions to the joint standing committee of
 5 the Legislature having jurisdiction over criminal justice and public safety matters for
 6 review.

7 **3. Copy of laws furnished to applicant.** A copy of this chapter and the definitions
 8 from other chapters that are used in this chapter must be provided to every applicant.

9 **3-A. Model forms.** The Attorney General shall develop model forms for the
 10 following:

- 11 A. An application for a resident permit to carry concealed handguns;
- 12 B. An application for a nonresident permit to carry concealed handguns;
- 13 C. A resident permit to carry concealed handguns of which a photograph is an
 14 integral part;
- 15 D. A resident permit to carry concealed handguns of which a photograph is not an
 16 integral part;
- 17 E. A nonresident permit to carry concealed handguns; and
- 18 F. Authority to release information to the issuing authority for the purpose of
 19 evaluating information supplied on the application.

20 ~~Each~~ An issuing authority shall utilize only the model forms.

21 This subsection is repealed January 1, 2016.

22 **3-B. Model forms; on and after January 1, 2016.** Beginning January 1, 2016, the
 23 Attorney General shall develop model forms for the following:

- 24 A. An application for a resident permit to carry concealed handguns;
- 25 B. An application for a nonresident permit to carry concealed handguns; and
- 26 C. Authority to release information to the issuing authority for the purpose of
 27 evaluating information supplied on the application.

28 An issuing authority shall utilize only the model forms.

29 **4. Good moral character.** The issuing authority in judging good moral character
 30 shall make its determination in writing based solely upon information recorded by
 31 governmental entities within 5 years of receipt of the application, including, but not
 32 limited to, the following matters:

- 33 A. Information of record relative to incidents of abuse by the applicant of family or
 34 household members, provided pursuant to Title 19-A, section 4012, subsection 1;
- 35 B. Information of record relative to 3 or more convictions of the applicant for crimes
 36 punishable by less than one year imprisonment or one or more adjudications of the
 37 applicant for juvenile offenses involving conduct that, if committed by an adult, is
 38 punishable by less than one year imprisonment;

1 C. Information of record indicating that the applicant has engaged in reckless or
2 negligent conduct; or

3 D. Information of record indicating that the applicant has been convicted of or
4 adjudicated as having committed a violation of Title 17-A, chapter 45 or Title 22,
5 section 2383, or adjudicated as having committed a juvenile crime that is a violation
6 of Title 22, section 2383 or a juvenile crime that would be defined as a criminal
7 violation under Title 17-A, chapter 45 if committed by an adult.

8 **5. Access to confidential records.** Notwithstanding that certain records retained by
9 governmental entities are by law made confidential, the records pertaining to patient
10 committals to any state mental health institute or nonstate mental health institution,
11 including, but not limited to, Riverview Psychiatric Center and Dorothea Dix Psychiatric
12 Center, and records compiled pursuant to Title 19-A, section 4012, subsection 1, that are
13 necessary to the issuing authority's determination of the applicant's good moral character
14 and compliance with the additional requirements of this section and of section 2005 must,
15 at the request of the issuing authority, be made available for inspection by and
16 dissemination to the issuing authority.

17 **8. Term of permit.** All concealed handgun permits are valid for 4-6 years from the
18 date of issue, unless sooner revoked for cause by the issuing authority. If a permit
19 renewal is issued before the expiration date of the permit being renewed or within 6
20 months of the expiration date of the permit being renewed, the permit renewal is valid for
21 4-6 years from the expiration date of the permit being renewed.

22 **9. Permit form.** ~~Each permit to carry concealed handguns issued must contain~~ By
23 January 1, 2016, the State Police shall develop and make available a concealed handgun
24 permit that contains the following components: The name, the address, a recent
25 photograph and a physical description of the permit holder; the holder's signature; the
26 date of issuance; and the date of expiration. ~~A permit to carry concealed handguns may~~
27 ~~additionally contain a photograph of the permit holder if the issuing authority makes a~~
28 ~~photograph an integral part of the permit to carry concealed handguns.~~ An issuing
29 authority shall use this form and every issued permit must include the designated
30 information. At the request of an issuing authority, the Secretary of State may provide a
31 photograph of the applicant to be incorporated into that applicant's permit to carry a
32 concealed handgun.

33 **10. Validity of permit throughout the State.** Permits issued authorize the person
34 to carry those concealed handguns throughout the State.

35 ~~**11. Permit to be in permit holder's immediate possession.** Every permit holder~~
36 ~~shall have the holder's permit in the holder's immediate possession at all times when~~
37 ~~carrying a concealed handgun and shall display the same on demand of any law~~
38 ~~enforcement officer. A person charged with violating this subsection may not be~~
39 ~~adjudicated as having committed a civil violation if that person produces in court the~~
40 ~~concealed handgun permit that was valid at the time of the issuance of a summons to~~
41 ~~court or, if the holder exhibits the permit to a law enforcement officer designated by the~~
42 ~~summonsing officer not later than 24 hours before the time set for the court appearance, a~~
43 ~~complaint may not be issued.~~

1 **12. Permit for a resident of 5 or more years to be issued or denied within 30**
2 **days; permit for a nonresident and resident of less than 5 years to be issued or**
3 **denied within 60 days.** The issuing authority, as defined in this chapter, shall issue or
4 deny, and reply in writing as to the reason for any denial, within 30 days of the
5 application date in the case of a resident of 5 or more years and within 60 days of the
6 application date in the case of a nonresident or in the case of a resident of less than 5
7 years. If the issuing authority does not issue or deny a request for a permit renewal
8 within the time limits specified in this subsection, the validity of the expired permit is
9 extended until the issuing authority issues or denies the renewal.

10 **13. Fee waiver.** An issuing authority may waive the permit fee for a permit issued
11 to a law enforcement officer certified by the Maine Criminal Justice Academy.

12 **14. Lapsed permit.** A person may apply for renewal of a permit at the permit
13 renewal rate at any time within 6 months after expiration of a permit. A person who
14 applies for a permit more than 6 months after the expiration date of the permit last issued
15 to that person must submit an original application and pay the original application fee.

16 **15. Duty of issuing authority; application fees.** The application fees submitted by
17 the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the
18 following.

19 A. If the issuing authority is other than the Chief of the State Police, ~~\$25~~ \$42.50
20 of the fee for an original application and ~~\$15~~ of the fee for a renewal and \$10 of the fee
21 for an application to replace a valid permit with a permit issued by the State Police on
22 or after January 1, 2016 must be paid over to the Treasurer of State.

23 ~~B. If the Chief of the State Police is the issuing authority as the designee of a~~
24 ~~municipality under section 2002-A, \$25 of the fee for an original application and \$15~~
25 ~~of the fee for a renewal must be paid over to the Treasurer of State.~~

26 C. If the Chief of the State Police is the issuing authority because the applicant is
27 either a resident of an unorganized territory or a nonresident, the application fee must
28 be paid over to the Treasurer of State. ~~The fee must be applied to the expenses of~~
29 ~~administration incurred by the State Police.~~

30 The fees paid over to the Treasurer of State pursuant to this subsection must be deposited
31 in the State Police's licensing and enforcement account to be used solely to cover the
32 costs incurred by the State Police for the development and issuance of concealed handgun
33 permits.

34 **16. Application fee; use.** The application fee submitted by the applicant as required
35 by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the
36 application by the issuing authority and the cost of developing the permit to carry
37 concealed handguns issued by the issuing authority.

38 **17. Waiver of law enforcement agency record and background check fees.**
39 Notwithstanding any other provision of law, a law enforcement agency may not charge an
40 issuing authority a fee in association with the law enforcement agency's conducting a
41 concealed handgun permit applicant record check or background check for the issuing
42 authority.

1 **18. Submission of information to the State Police.** The issuing authority shall
 2 provide information received from an applicant pursuant to subsection 1 to the State
 3 Police for purposes of a criminal history record check, a mental health record check and a
 4 Department of the Secretary of State, Bureau of Motor Vehicles record check. The State
 5 Police shall provide the results of its record checks to the issuing authority for
 6 consideration before the issuing authority makes a final determination on the application.
 7 Unless the State Police is the issuing authority as provided for in section 2002, subsection
 8 9, the State Police does not have the authority to approve or deny an application for a
 9 concealed handgun permit.

10 **19. Confidential database.** The State Police shall establish and maintain a
 11 confidential database accessible only by a law enforcement agency or law enforcement
 12 officers for criminal justice and concealed handgun permit purposes or by court order
 13 containing the following information about a permit holder or an applicant for a
 14 concealed handgun permit:

- 15 A. Name;
- 16 B. Address;
- 17 C. Date of birth;
- 18 D. Permit information;
- 19 E. Status of the permit; and
- 20 F. Prior action taken on the permit.

21 The database must be accessible by a law enforcement agency or law enforcement officer
 22 at any time. Information about a permit holder or an applicant must be purged from the
 23 database within 5 years after the permit expires or after the period for an appeal on a
 24 denial or a revocation of a permit has run.

25 **20. Reciprocity.** The Chief of the State Police may enter into reciprocity
 26 agreements with any other states respecting permits for carrying concealed handguns.
 27 Reciprocity may be granted with respect to a permit to carry a concealed handgun issued
 28 from another state if:

- 29 A. The other state that issued the permit to carry a concealed handgun has
 30 substantially equivalent or stricter requirements for the issuance of a permit to carry a
 31 concealed handgun; and
- 32 B. The other state that issued the permit to carry a concealed handgun observes the
 33 same rules of reciprocity regarding a person issued a permit to carry a concealed
 34 handgun under this chapter.

35 If the Chief of the State Police enters into a reciprocity agreement pursuant to this
 36 subsection with another state, a valid permit issued by that state to carry a concealed
 37 handgun in that state must be recognized in this State.

38 **21. Permitless transport of firearm.** The availability of a permit to carry a
 39 concealed handgun under this section or under any other provision of law may not be
 40 construed to prohibit the permitless transport or carrying of a firearm in a vehicle or on or

1 about the individual's person, whether the firearm is concealed or unconcealed or loaded
2 or unloaded, by a resident or nonresident.

3 **Sec. 10. 25 MRSA §2004, sub-§2**, as enacted by PL 2003, c. 452, Pt. N, §3 and
4 affected by Pt. X, §2, is amended to read:

5 **2. Threatening display of dangerous weapon.** A person who violates section
6 2001-A, subsection 1 commits a Class D crime.

7 **Sec. 11. 25 MRSA §2004, sub-§3**, as enacted by PL 2003, c. 452, Pt. N, §3 and
8 affected by Pt. X, §2, is repealed.

9 **Sec. 12. 25 MRSA §2005, sub-§1, ¶B**, as amended by PL 2003, c. 452, Pt. N, §4
10 and affected by Pt. X, §2, is repealed.

11 **Sec. 13. 26 MRSA §600, sub-§1**, as amended by PL 2011, c. 537, §1, is further
12 amended to read:

13 **1. Firearms in vehicles.** An employer or an agent of an employer may not prohibit
14 an employee ~~who has a valid permit to carry a concealed firearm under Title 25, chapter~~
15 ~~252 who is legally entitled to possess a firearm, part of a firearm, ammunition or~~
16 ~~ammunition components~~ from transporting or keeping a firearm, part of a firearm,
17 ammunition or ammunition components in the employee's vehicle as long as the vehicle
18 is locked and the firearm ~~is, part of a firearm, ammunition or ammunition components~~ are
19 not visible. This subsection applies to the State as an employer when a state employee's
20 vehicle is on property owned or leased by the State. This subsection does not authorize an
21 employee or state employee to carry a firearm in a place where carrying a firearm is
22 prohibited by law. For purposes of this section, "state employee" means an employee of
23 the State within the executive branch, the legislative branch or the judicial branch
24 performing services within the scope of that employee's employment.'

25 Amend the amendment by striking out all of sections 14 and 15 and inserting the
26 following:

27 **'Sec. 14. Appropriations and allocations.** The following appropriations and
28 allocations are made.

29 **PUBLIC SAFETY, DEPARTMENT OF**

30 **Licensing and Enforcement - Public Safety 0712**

31 Initiative: Provides an allocation of concealed handgun permit fees to establish and
32 maintain a confidential database.

33	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
34	All Other	\$0	\$270,136
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$270,136</u>
37			

38 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
39 or section number to read consecutively.

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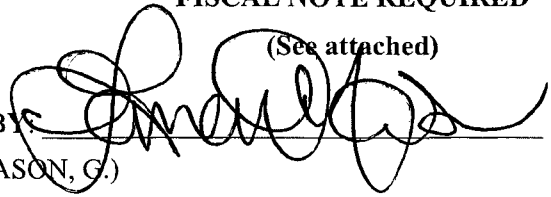
SUMMARY

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A," which removed the requirement that a handgun safety course be taken within 5 years of applying for a permit to carry a concealed handgun, and House Amendment "B" to Committee Amendment "A," which establishes so-called "constitutional carry" to allow a person not otherwise prohibited from possessing a handgun to carry a concealed weapon without a permit. A person may still obtain a permit if that person wishes.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY



(Senator MASON, G.)

COUNTY: Androscoggin



126th MAINE LEGISLATURE

LD 222

LR 697(10)

An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Mason of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Appropriations/Allocations				
Other Special Revenue Funds	\$0	(\$230,300)	(\$230,300)	(\$230,000)
Revenue				
Other Special Revenue Funds	\$0	(\$1,099,051)	(\$1,099,051)	(\$1,099,051)

Fiscal Detail and Notes

This floor amendment removes the requirement for a concealed weapons permit but allows for the issuance of an optional permit. It would reduce Other Special Revenue Funds revenue to the Department of Public Safety by \$1,099,051 in fiscal year 2014-15 as compared to the majority committee amendment. This analysis assumes 10% of people would apply for an optional permit. It also removes the Other Special Revenue Funds allocation of \$230,000 in fiscal year 2014-15 for 2 Office Associate II positions and one State Police Detective position contained in the majority committee amendment.