

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 223

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H.P. 184

House of Representatives, February 5, 2013

### **An Act To Amend the Laws Regarding 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.  
Cosponsored by Representative: PEASE of Morrill.

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

2 **Sec. 1. 25 MRSA §2003, sub-§1, ¶A**, as enacted by PL 1985, c. 478, §2, is  
3 amended to read:

4 A. Is ~~18~~ 21 years of age or older;

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

7 D. Submits an application that contains the following:

8 (1) Full name;

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

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

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

18 (5) Answers to the following questions:

19 (a) Are you less than ~~18~~ 21 years of age?

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

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

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

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

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

37 (g) Is there a formal charging instrument now pending against you under the  
38 laws of the United States, this State or any other state or the Passamaquoddy  
39 Tribe or Penobscot Nation in a proceeding in which the prosecuting authority

- 1 has pleaded that you committed the crime with the use of a firearm against a  
2 person or with the use of a dangerous weapon as defined in Title 17-A,  
3 section 2, subsection 9, paragraph A?
- 4 (h) Is there a formal charging instrument now pending against you in this or  
5 any other jurisdiction for a juvenile offense that, if committed by an adult,  
6 would be a crime described in division (b), (c), (d) or (f) and involves bodily  
7 injury or threatened bodily injury against another person?
- 8 (i) Is there a formal charging instrument now pending against you in this or  
9 any other jurisdiction for a juvenile offense that, if committed by an adult,  
10 would be a crime described in division (g)?
- 11 (j) 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 (b), (c), (d) or (f), but does not  
14 involve bodily injury or threatened bodily injury against another person?
- 15 (k) Have you ever been convicted of committing or found not criminally  
16 responsible by reason of mental disease or defect of committing a crime  
17 described in division (b), (c), (f) or (g)?
- 18 (l) 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 (d)?
- 21 (m) If your answer to the question in division (l) is "yes," was that crime  
22 classified under the laws of that state as a misdemeanor punishable by a term  
23 of imprisonment of 2 years or less?
- 24 (n) Have you ever been adjudicated as having committed a juvenile offense  
25 described in division (h) or (i)?
- 26 (o) Have you ever been adjudicated as having committed a juvenile offense  
27 described in division (j)?
- 28 (p) Are you currently subject to an order of a Maine court or an order of a  
29 court of the United States or another state, territory, commonwealth or tribe  
30 that restrains you from harassing, stalking or threatening your intimate  
31 partner, as defined in 18 United States Code, Section 921(a), or a child of  
32 your intimate partner, or from engaging in other conduct that would place  
33 your intimate partner in reasonable fear of bodily injury to that intimate  
34 partner or the child?
- 35 (q) Are you a fugitive from justice?
- 36 (r) Are you a drug abuser, drug addict or drug dependent person?
- 37 (s) Do you have a mental disorder that causes you to be potentially  
38 dangerous to yourself or others?
- 39 (t) Have you been adjudicated to be an incapacitated person pursuant to Title  
40 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an  
41 order under Title 18-A, section 5-307, subsection (b)?

- 1 (u) Have you been dishonorably discharged from the military forces within  
2 the past 5 years?
- 3 (v) Are you an illegal alien?
- 4 (w) Have you been convicted in a Maine court of a violation of Title 17-A,  
5 section 1057 within the past 5 years?
- 6 (x) Have you been adjudicated in a Maine court within the past 5 years as  
7 having committed a juvenile offense involving conduct that, if committed by  
8 an adult, would be a violation of Title 17-A, section 1057?
- 9 (y) To your knowledge, have you been the subject of an investigation by any  
10 law enforcement agency within the past 5 years regarding the alleged abuse  
11 by you of family or household members?
- 12 (z) Have you been convicted in any jurisdiction within the past 5 years of 3  
13 or more crimes punishable by a term of imprisonment of less than one year or  
14 of crimes classified under the laws of a state as a misdemeanor and  
15 punishable by a term of imprisonment of 2 years or less?
- 16 (aa) Have you been adjudicated in any jurisdiction within the past 5 years to  
17 have committed 3 or more juvenile offenses described in division (o)?
- 18 (bb) To your knowledge, have you engaged within the past 5 years in  
19 reckless or negligent conduct that has been the subject of an investigation by  
20 a governmental entity?
- 21 (cc) Have you been convicted in a Maine court within the past 5 years of any  
22 Title 17-A, chapter 45 drug crime?
- 23 (dd) Have you been adjudicated in a Maine court within the past 5 years as  
24 having committed a juvenile offense involving conduct that, if committed by  
25 an adult, would have been a violation of Title 17-A, chapter 45?
- 26 (ee) Have you been adjudged in a Maine court to have committed the civil  
27 violation of possession of a useable amount of marijuana, butyl nitrite or  
28 isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?
- 29 (ff) Have you been adjudicated in a Maine court within the past 5 years as  
30 having committed the juvenile crime defined in Title 15, section 3103,  
31 subsection 1, paragraph B of possession of a useable amount of marijuana, as  
32 provided in Title 22, section 2383?; and

33

### SUMMARY

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This bill changes the minimum age to obtain a permit to carry a concealed handgun from 18 years of age to 21 years of age.