

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 958

---

H.P. 672

House of Representatives, March 12, 2013

**An Act To Establish a Database To Prevent Individuals  
Involuntarily Admitted or Committed to a Mental Health Institution  
from Being Issued Concealed Handgun Permits**

---

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 §1541, sub-§3-A** is enacted to read:

3 **3-A. Database of involuntary admittance or commitment.** The commanding  
4 officer shall establish and maintain a database within the State Bureau of Identification of  
5 individuals who have been involuntarily admitted or committed to a psychiatric hospital  
6 as defined in Title 34-B, section 3801, subsection 7-B:

7 A. Pursuant to an order of the District Court under Title 34-B, section 3864 because  
8 the individual was found to present a likelihood of serious harm, as defined under  
9 Title 34-B, section 3801, subsection 4-A; or

10 B. On an emergency basis pursuant to Title 34-B, section 3863.

11 The database must be used for the sole purpose of issuing permits to carry concealed  
12 handguns pursuant to section 2003.

13 **Sec. 2. 25 MRSA §2003, sub-§5**, as amended by PL 1995, c. 694, Pt. D, §52 and  
14 affected by Pt. E, §2 and amended by PL 2005, c. 236, §§3 and 4, is further amended to  
15 read:

16 **5. Access to confidential records.** Notwithstanding that certain records retained by  
17 governmental entities are by law made confidential, the records pertaining to patient  
18 committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and  
19 records compiled pursuant to Title 19-A, section 4012, subsection 1 and section 1541,  
20 subsection 3-A, that are necessary to the issuing authority's determination of the  
21 applicant's good moral character and compliance with the additional requirements of this  
22 section and of section 2005 must, at the request of the issuing authority, be made  
23 available for inspection by and dissemination to the issuing authority and, in the case of  
24 records compiled pursuant to section 1541, subsection 3-A, to the commanding officer.

## 25 SUMMARY

26 This bill directs the Department of Public Safety, State Bureau of Identification to  
27 establish and maintain a database of individuals admitted or committed involuntarily to a  
28 mental health institution who present a substantial threat of physical harm to themselves  
29 or to others. The database may only be used for the purpose of issuing permits to carry  
30 concealed handguns.