MAINE STATE LEGISLATURE

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MIN

ROFS

L.D. 415

Date: 6/18/15 (Filing No. H-475)

Minority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 282, L.D. 415, Bill, "An Act To Promote the Safe Use and Sale of Firearms"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend Maine Firearms Laws'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'PART A

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

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~~ is not otherwise prohibited from possessing a firearm may have in or on a motor vehicle or trailer or other type of vehicle being hauled by a motor vehicle a loaded pistol or revolver ~~covered by that permit~~.

Sec. A-2. 25 MRSA §2001-A, sub-§2, ¶A-1 is enacted to read:

A-1. A handgun carried by a person who is not otherwise prohibited from carrying a firearm;

PART B

Sec. B-1. 25 MRSA §2002, sub-§9, as amended by PL 2011, c. 366, §5, is repealed and the following enacted in its place:

9. Issuing authority. "Issuing authority" means the Chief of the State Police.

Sec. B-2. 25 MRSA §2002-A, as amended by PL 1993, c. 524, §4, is repealed.

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

E. Does the following:

(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:

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

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

(c) Section 2005;

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

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

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

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

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

(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has ~~within 5 years prior to the date of application~~ completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

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

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

Sec. B-4. 25 MRSA §2003, sub-§§3-A and 8, as amended by PL 2011, c. 298, §7, are further amended to read:

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

A. An application for a resident permit to carry concealed handguns;

B. An application for a nonresident permit to carry concealed handguns;

C. A resident permit to carry concealed handguns of which a photograph is an integral part;

D. A resident permit to carry concealed handguns of which a photograph is not an integral part;

E. A nonresident permit to carry concealed handguns; and

F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application.

~~Each~~ The issuing authority shall utilize only the model forms.

8. Term of permit. All concealed handgun permits are valid for ~~4~~ 10 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for ~~4~~ 10 years from the expiration date of the permit being renewed.

Sec. B-5. 25 MRSA §2003, sub-§13, as enacted by PL 1991, c. 865, §4, is amended to read:

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

Sec. B-6. 25 MRSA §2003, sub-§15, as amended by PL 2015, c. 123, §1, is repealed.

Sec. B-7. 25 MRSA §2003, sub-§17, as enacted by PL 2011, c. 298, §7, is amended to read:

17. Waiver of law enforcement agency record and background check fees. Notwithstanding any other provision of law, a law enforcement agency may not charge ~~an~~

the issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.

Sec. B-8. 25 MRSA §2003, sub-§19 is enacted to read:

19. Centralized database. The State Police shall establish and maintain a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits.

A. The centralized database must contain:

(1) The permit holder's or applicant's name;

(2) The permit holder's or applicant's address;

(3) The permit holder's or applicant's date of birth;

(4) Permit information;

(5) Status of the permit or permit application; and

(6) Prior action taken on the permit.

B. The centralized database may be used only by:

(1) A law enforcement agency;

(2) A law enforcement officer; or

(3) Court order.

The centralized database may be used only for criminal justice purposes or purposes related to concealed handgun permits.

C. Information about a concealed handgun permit holder or applicant maintained in the centralized database must be purged from the centralized database within 5 years after the permit expires or within 5 years after the period for an appeal of a denial or a revocation has run.

Sec. B-9. 25 MRSA §2005, sub-§2, as amended by PL 2011, c. 298, §9, is further amended to read:

2. Change of residence. Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.

A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority ~~of the permit holder's new residence~~ within 30 days of making that change. The issuing authority ~~of the new residence~~ shall immediately reissue the permit with the corrected address for a fee of not more than $2.

~~B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority.~~

Sec. B-10. Application. This Act does not apply to a valid concealed handgun permit issued before the effective date of this Act. An application for a concealed handgun permit or the renewal of a valid concealed handgun permit received by the Chief of the State Police on or after the effective date of this Act is subject to the provisions of this Act.

Sec. B-11. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Licensing and Enforcement - Public Safety 0712

Initiative: Eliminates 2 Office Associate II positions, one State Police Detective position and related costs as a result of allowing certain people to carry a concealed handgun without a permit.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
Personal Services	$0	($129,780)
All Other	$0	($8,968)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	($138,748)

Licensing and Enforcement - Public Safety 0712

Initiative: Provides one-time funding to create and maintain a centralized database of concealed handgun permit holders and applicants.

GENERAL FUND	2015-16	2016-17
All Other	$0	$260,000
GENERAL FUND TOTAL	$0	$260,000

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	$0	$260,000
OTHER SPECIAL REVENUE FUNDS	$0	($138,748)
DEPARTMENT TOTAL - ALL FUNDS	$0	$121,252

Sec. B-12. Effective date. This Act takes effect January 1, 2017.'

SUMMARY

This amendment is the minority report of the committee and it replaces the bill. The amendment does the following.

1. It authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit.

2. It authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.

3. It makes the Chief of the State Police the sole issuing authority for permits to carry concealed handguns.

4. It extends the term of a permit to carry a concealed handgun from 4 to 10 years.

5. It removes the requirement that an applicant for a handgun permit have taken a handgun safety course within 5 years of the date of application.

6. It increases the application and renewal fees for a concealed handgun permit from $35 to $52.50 and from $20 to $52.50, respectively, for a resident. For a nonresident, the fee is increased from $60 to $120 for either an application or a renewal.

7. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database may be used only by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within 5 years after the permit expires or the appeal of a denial or a revocation has run.

8. It provides that a valid concealed handgun permit issued before January 1, 2017 is not subject to the provisions of this legislation, which apply to an application for a new concealed handgun permit or a renewal of valid concealed handgun permit received by the Chief of the State Police on or after January 1, 2017.

9. It adds an appropriations and allocations section.

10. It adds an effective date of January 1, 2017.

FISCAL NOTE REQUIRED

(See attached)

Approved: 06/17/15 mac

127th MAINE LEGISLATURE

LD 415 **LR 1657(03)**

An Act To Promote the Safe Use and Sale of Firearms

Fiscal Note for Bill as Amended by Committee Amendment "B" (H-475)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	$0	$315,825	$111,650	$111,650
Appropriations/Allocations				
General Fund	$0	$260,000	$0	$0
Other Special Revenue Funds	$0	($138,748)	($285,309)	($293,302)
Revenue				
General Fund	$0	($55,825)	($111,650)	($111,650)
Other Special Revenue Funds	$0	($45,000)	($90,000)	($90,000)

Correctional and Judicial Impact Statements

Eliminates Class D and Class E crimes.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

This legislation proposes to remove the requirement for a concealed handgun permit except in the cases of reciprocity. It increases the concealed handgun permit fees and establishes the Chief of the State Police as the only issuing authority. This would result in a loss of General Fund revenue of $55,825 in fiscal year 2016-17 and a loss of Other Special Revenue Funds revenue to the Department of Public Safety of $45,000 in fiscal year 2016-17. The bill includes a General Fund appropriation of $260,000 in fiscal year 2016-17 to create and maintain a centralized database of concealed handgun permit holders and applicants.