

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 535

H.P. 359

House of Representatives, February 26, 2015

An Act To Amend the Laws Governing the Concealed Handguns Permit Application

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Embden.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: CHIPMAN of Portland, FARRIN of Norridgewock, HARLOW of Portland,
HOBBINS of Saco, LONG of Sherman, O'CONNOR of Berwick, SANDERSON of Chelsea,
SIROCKI of Scarborough.

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

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

4 D. Submits an application that contains the following:

5 (1) Full name;

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

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

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

15 (5) Answers to the following questions:

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

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

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

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

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

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

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

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

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

31 **SUMMARY**

32 This bill removes questions about marijuana use from the concealed handguns permit
33 application.