

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1585

S.P. 559

In Senate, May 4, 2017

**An Act To Transfer the Authority To Issue Nonconcealed Firearm
Permits in Certain Cases from the Department of Public Safety to
the Office of the Governor**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

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

2 **Sec. 1. 15 MRSA §393, sub-§2**, as amended by PL 2013, c. 424, Pt. A, §5, is
3 further amended to read:

4 **2. Application after 5 years.** A person subject to the provisions of subsection 1,
5 paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of
6 5 years from the date that the person is finally discharged from the sentences imposed as
7 a result of the conviction or adjudication, apply to the ~~commissioner~~ Office of the
8 Governor for a permit to carry a firearm subject to subsection 4. That person may not be
9 issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit
10 issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner
11 revoked for cause by the ~~commissioner~~ Governor. For purposes of this subsection,
12 "firearm" does not include a firearm defined under 18 United States Code, Section
13 921(3).

14 **Sec. 2. 15 MRSA §393, sub-§3**, as amended by PL 2007, c. 194, §4, is further
15 amended to read:

16 **3. Contents.** An application under subsection 2 must be on a form prepared by the
17 ~~Commissioner of Public Safety~~ Office of the Governor. The application must include the
18 following: the applicant's full name; all aliases; date and place of birth; place of legal
19 residence; occupation; make, model and serial number of the firearm sought to be
20 possessed; date, place and nature of conviction; sentence imposed; place of incarceration;
21 name and address of probation or parole officer; date of discharge or release from prison
22 or jail or termination of probation, supervised release for sex offenders, parole or
23 administrative release; the reason for the request; and any other information determined
24 by the ~~commissioner~~ Governor to be of assistance. The application must be accompanied
25 by certified or attested copies of the indictment, information or complaint, judgment and
26 commitment and discharge that are the subject of the conviction.

27 **Sec. 3. 15 MRSA §393, sub-§4**, as amended by PL 2009, c. 503, §2, is further
28 amended to read:

29 **4. Notification, objection and decision.** Upon receipt of an application, the
30 ~~commissioner~~ Office of the Governor shall determine if the application is in proper form.
31 If the application is proper, the ~~commissioner~~ Governor shall within 30 days notify in
32 writing the sentencing or presiding judge, the Attorney General, the district attorney for
33 the county where the applicant resides, the district attorney for the county where the
34 conviction occurred, the law enforcement agency that investigated the crime, the chief of
35 police and sheriff in the municipality and county where the crime occurred and the chief
36 of police and sheriff in the municipality where the applicant resides as of the filing of the
37 application. The ~~commissioner~~ Governor may direct any appropriate investigation to be
38 carried out.

39 A. If, within 30 days of the sending of notice, a person notified objects in writing to
40 the ~~commissioner~~ Governor regarding the initial issuance of a permit and provides
41 the reason for the objection, the ~~commissioner~~ Governor may not issue a permit. The

1 reason for the objection must be communicated in writing to the ~~commissioner~~
2 Governor in order for it to be the sole basis for denial.

3 B. If, within 30 days of the sending of notice, a person notified objects in writing,
4 including the reason for the objection, to the ~~commissioner~~ Governor regarding a 2nd
5 or subsequent issuance of a permit, the ~~commissioner~~ Governor shall take the
6 objection and its reason into consideration when determining whether to issue a 2nd
7 or subsequent permit to the applicant, but need not deny the issuance of a permit
8 based on an objection alone.

9 The ~~commissioner~~ Governor may deny any application for a permit even if no objection
10 is filed.

11 **SUMMARY**

12 This bill transfers the authority to issue nonconcealed firearm permits in certain cases
13 from the Department of Public Safety to the Office of the Governor.