

# MAINE STATE LEGISLATURE

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L.D. 1446

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Date: 3-29-22

(Filing No. H-866)

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### CRIMINAL JUSTICE AND PUBLIC SAFETY

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### STATE OF MAINE

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### HOUSE OF REPRESENTATIVES

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### 130TH LEGISLATURE

8

### SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1062, L.D. 1446, "An Act To Aid  
10 Municipalities in the Issuance of Concealed Handgun Permits"

11

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

13

'Sec. 1. 25 MRSA §2002, sub-§9, as amended by PL 2011, c. 366, §5, is further  
14 amended to read:

15

9. Issuing authority. "Issuing authority" means the following:

16

A. To a legal resident of a municipality with a full-time chief of police:

17

(1) ~~The mayor and~~ Except as otherwise provided in this paragraph, the municipal  
18 ~~officers or councilors of a city, the municipal officers or councilors of a town or~~  
19 ~~the assessors of a plantation or, if they so choose, their full-time chief of police as~~  
20 ~~their designee of the municipality; or~~

21

(2) ~~The Chief of the State Police as the designee of the municipal officers under~~  
22 ~~section 2002-A;~~

23

(3) The chief of police of the municipality if the municipal officers of the  
24 municipality designate the chief as the issuing authority;

25

(4) The chief of police of an adjacent municipality if the municipal officers of the  
26 municipality designate the chief as the issuing authority and the chief agrees to the  
27 designation in accordance with section 2002-B; or

28

(5) The sheriff of the county where the municipality is located if the municipal  
29 officers of the municipality designate the sheriff as the issuing authority and the  
30 sheriff agrees to the designation in accordance with section 2002-B;

31

A-1. To a legal resident of a municipality without a full-time chief of police:

32

(1) Except as otherwise provided in this paragraph, the municipal officers of the  
33 municipality;

# COMMITTEE AMENDMENT

1           (2) The chief of police of an adjacent municipality if the municipal officers of the  
2           municipality designate the chief as the issuing authority and the chief agrees to the  
3           designation in accordance with section 2002-B;

4           (3) The sheriff of the county where the municipality is located if the municipal  
5           officers of the municipality designate the sheriff as the issuing authority and the  
6           sheriff agrees to the designation in accordance with section 2002-B; or

7           (4) The Chief of the State Police if the municipal officers of the municipality  
8           designate the chief as the issuing authority and the chief agrees to the designation  
9           in accordance with section 2002-A;

10          B. To a resident of an unorganized territory:

11           (1) The Chief of the State Police;

12          C. To a nonresident:

13           (1) The Chief of the State Police; and

14          D. To a professional investigator licensed under Title 32, chapter 89:

15           (1) The Chief of the State Police.

16          **Sec. 2. 25 MRSA §2002, sub-§10-B** is enacted to read:

17           **10-B. Municipal officers.** "Municipal officers" means the mayor, municipal officers  
18           or councilors of a city; the municipal officers or councilors of a town; or the assessors of a  
19           plantation.

20          **Sec. 3. 25 MRSA §2002-B** is enacted to read:

21           **§2002-B. Assignment of authority; chief of police of adjacent municipality or county**  
22           **sheriff**

23           The municipal officers of a municipality may designate the chief of police of an  
24           adjacent municipality or the sheriff of the county in which the municipality is located as  
25           the issuing authority for that municipality if the chief or sheriff agrees to the designation.  
26           The designation must be made by written agreement with the chief or sheriff. The  
27           agreement must include provisions for termination of the agreement. During the term of an  
28           agreement, the chief or sheriff shall perform all the functions of the issuing authority,  
29           including suspension and revocation of permits. The chief or sheriff is entitled to receive  
30           any fees authorized for performing the functions of an issuing authority. The chief or sheriff  
31           continues to serve as the issuing authority until the chief or sheriff receives from the  
32           municipal officers written notice of cancellation or revocation of the designation.

33          **Sec. 4. State Police; stakeholder group; report.** The Department of Public  
34          Safety, Bureau of State Police shall convene a stakeholder group to review the laws of this  
35          State regulating the issuance of permits to carry a concealed handgun and develop findings  
36          and recommendations for changes to those laws to improve the existing permitting process  
37          or to address other identified issues with the process. The stakeholder group must include,  
38          at a minimum, a representative of a statewide association of county sheriffs and a  
39          representative of a statewide association representing the interests of municipalities. On or  
40          before February 15, 2023, the Bureau of State Police shall submit to the joint standing  
41          committee of the Legislature having jurisdiction over criminal justice and public safety  
42          matters a report outlining the findings and recommendations of the stakeholder group,

1 including any proposed legislation. After reviewing the report, the joint standing  
2 committee may report out related legislation to the 131st Legislature in 2023.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

5 **SUMMARY**

6 This amendment replaces the bill and makes the following changes to the law  
7 governing permits to carry a concealed handgun.

8 1. It clarifies the law regarding the designation of the issuing authority by  
9 municipalities that have a full-time chief of police and by municipalities that do not have a  
10 full-time chief of police. It also provides a definition for "municipal officers."

11 2. It authorizes the municipal officers of a municipality, regardless of whether the  
12 municipality has a full-time chief of police, to designate as the issuing authority the chief  
13 of police of an adjacent municipality or the sheriff of the county in which the municipality  
14 is located if the chief or sheriff agrees to that designation.

15 The amendment also requires the Department of Public Safety, Bureau of State Police  
16 to convene a stakeholder group to review the laws of this State regulating the issuance of  
17 permits to carry a concealed handgun and develop findings and recommendations for  
18 changes to those laws to improve the existing permitting process or to address other  
19 identified issues with the process. On or before February 15, 2023, the Bureau of State  
20 Police is required to submit to the joint standing committee of the Legislature having  
21 jurisdiction over criminal justice and public safety matters a report outlining the findings  
22 and recommendations of the stakeholder group, including any proposed legislation, and the  
23 committee may report out related legislation.

24 **FISCAL NOTE REQUIRED**  
25 (See attached)



# 130th MAINE LEGISLATURE

LD 1446

LR 317(02)

**An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits**

**Fiscal Note for Bill as Amended by Committee Amendment *A(CH 866)***

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with convening a stakeholder group and reporting the results can be absorbed within existing budgeted resources.