

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SAK
ROS

1

L.D. 1446

2

Date: 3-29-22

(Filing No. H-866)

3

CRIMINAL JUSTICE AND PUBLIC SAFETY

4

Reproduced and distributed under the direction of the Clerk of the House.

5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

SECOND REGULAR SESSION

9

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

10

11

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

12

13

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

14

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 officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee of the municipality; or

18

19

20

21

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

22

23

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

24

25

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

26

27

28

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

29

30

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 municipality;

33

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^m(CH 866)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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.