

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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Sec. 9. 12 MRSA § 7464, sub-§ 8-A is enacted to read:

**8-A. Illegal firearms.** A person is guilty of using illegal firearms if he uses a handgun, .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.

Effective September 18, 1981

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## CHAPTER 119

H. P. 467 — L. D. 519

**AN ACT to Establish Guidelines for the Issuance of Concealed Weapon Permits.**

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

Sec. 1. 25 MRSA § 2031, as last amended by PL 1975, c. 449, §§ 1 and 2, is repealed and the following enacted in its place:

§ 2031. Threatening display of or carrying a concealed weapon

No person may display in a threatening manner, or wear under his clothes or conceal about his person, any firearm, slung shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapons usually employed in the attack on or defense of a person, unless excepted by a provision of law.

The provisions of this section concerning the carrying of concealed weapons do not apply to:

1. Permit issued. Persons to whom a permit to carry a concealed weapon has been issued as provided in this chapter;

2. Law enforcement officers. Law enforcement officers within their area of jurisdiction while in performance of their official duties and at such other times and places as may by law be provided, or as may be required or permitted by written authority of the chief executive officer of their employing agency; or

3. Private investigators. Private investigators licensed under the laws of this State.

Sec. 2. 25 MRSA §§ 2032 - 2035 are enacted to read:

§ 2032. Permits to carry concealed weapons

1. Municipal officers. The mayor and aldermen or councillors of a city, the selectmen or councillors of a town, or the assessors of a plantation shall designate

themselves or their full-time chief of police as the issuing authority for permits under this chapter. The issuing authority shall, upon written application therefor, issue a permit to carry concealed weapons to any legal resident of that municipality who has demonstrated good moral character and who meets the following requirements:

- A. Is 18 years of age or older;
- B. Has not been convicted of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year;
- C. Submits an application which contains the following:
  - (1) Full name;
  - (2) Full current address and addresses for the prior 5 years;
  - (3) The date and place of birth, height, weight and color of eyes;
  - (4) A record of previous denials for concealed weapons' permits, for the information of the issuing authority, such denials alone not constituting cause for refusal;
  - (5) A statement granting the chief of police authority to check the criminal records of any law enforcement agency. The applicant must agree to submit to having his fingerprints taken by the issuing authority if it becomes necessary to resolve any questions as to his identity; and
  - (6) Answers to the following questions:
    - (a) Are you currently under indictment or information for a crime for which the penalty is imprisonment for in excess of one year?
    - (b) Have you ever been convicted of a crime for which the penalty possible exceeded one year in prison?
    - (c) Are you a fugitive from justice?
    - (d) Are you an unlawful user of or addicted to marijuana or any other drug?
    - (e) Have you been voluntarily or involuntarily committed to a mental institution or received psychiatric inpatient services in a hospital for a period greater than 2 weeks within the past 5 years?
    - (f) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article V, Parts 3 and 4, and not had that designation removed by an order under Title 18-A, section 5-307, subsection (b)?

(g) Have you been dishonorably discharged from the military forces within the past 5 years?

(h) Are you an illegal alien?

By affixing his signature, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to the questions in subparagraph (6) is cause for refusal and any false statement may result in prosecution as provided in section 2033;

D. Submits to being photographed if a photograph is an integral part of concealed weapon permits issued by the jurisdiction; and

E. Submits an application fee not to exceed \$15 in the case of an original application and a fee not to exceed \$5 in the case of a renewal. This application and fee shall cover any number of weapons involved and any permit issued.

The requirements set out in this subsection constitute a complete application.

2. Copy of laws furnished to applicant. A copy of the laws governing the application for and carrying of concealed weapons shall be provided to every applicant.

3. Good moral character. The issuing authority in judging good moral character shall make its determination in writing based upon evidence recorded by a governmental entity. The issuing authority shall consider matters recorded within the previous 5 years, including, but not limited to, the following:

A. Records of incidents of abuse by the applicant of family or household members, provided pursuant to Title 19, section 770, subsection 1;

B. Records provided by the Department of Human Services regarding the failure of the applicant to meet child or family support obligations;

C. Records of 3 or more convictions of the applicant for Class D or Class E crimes;

D. Records of 3 or more civil violations by the applicant; or

E. Records indicating that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles.

4. Unorganized territory. Any resident of an unorganized territory shall make an application to the appropriate authority in any municipality nearest the unorganized territory and the application, fees and permit provisions of this section shall apply.

5. **Nonresident.** Any nonresident who meets the requirements of this section shall make an application to the Chief of the State Police and the application, fees and permit provisions of this section shall apply.

6. **Term of permit.** All concealed weapon permits are valid for 2 years from the date of issue, unless sooner revoked for cause by the issuing authority.

7. **Information contained in permit.** Each permit issued shall contain the name, address and physical description of the applicant.

8. **Validity of permit throughout the State.** Permits issued authorize the person to carry such concealed weapons throughout the State.

9. **Permit to be in permit holder's immediate possession.** Every permit holder shall have his permit in his immediate possession at all times when carrying a concealed weapon and shall display the same on demand of any law enforcement officer.

10. **Producing permit in court.** No person charged with failure to have his permit in his immediate possession as required may be convicted if he produces in court the permit which was valid at the time of the issuance of a summons to court, or if he exhibits such permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, no complaint may be issued.

11. **Permit to be issued or denied within 30 days.** The issuing authority, as set forth in this section, shall issue or deny, and reply in writing as to the reason for any refusal, within 30 days of the application date.

#### § 2033. Penalty

Whoever knowingly makes any false statement on an application or violates any provision of this chapter is guilty of a Class D crime.

#### § 2034. Revocation

The authority permitted to issue permits as provided in section 2032 shall revoke a permit if it is determined that a material misstatement was made on the application, that the permit holder has been convicted of a violation of section 2031, or becomes ineligible to make an application under this chapter.

No person, otherwise qualified, who has had a permit revoked, is eligible for reapplication until the expiration of 5 years from the date of revocation.

#### § 2035. Confidentiality of application

Notwithstanding Title 1, sections 401 to 410, all applications, refusals and supporting documentation received pursuant to section 2032 are confidential and

may not be made available for public inspection or copying. The individual may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the grant, denial or revocation of permits are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

The issuing authority shall make a permanent record of each license in a suitable book or file kept for that purpose. The record shall include the date of issuance, the name, age, sex and street address of the licensee, and shall be available for public inspection.

Effective September 18, 1981

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## CHAPTER 120

S. P. 234 — L. D. 652

**AN ACT Concerning the Qualifications of Licensed Guides Leading Trips  
Involving Children from Boys and Girls Camps.**

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

12 MRSA § 7301, sub-§ 8, as repealed and replaced by PL 1979, c. 543, § 26, is amended by adding at the end a new sentence to read:

**Guides leading trips, as defined in section 7303, subsection 1, shall comply with the provisions of that section, with the exception of subsection 5 dealing with fee.**

Effective September 18, 1981

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## CHAPTER 121

S. P. 171 — L. D. 421

**AN ACT Prohibiting Businesses from Raffling or Giving Away Live Animals,  
Fowl or Reptiles as a Fund-raising Device.**

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

Sec. 1. 17 MRSA § 1058, first sentence, as last amended by PL 1977, c. 88, is further amended to read: