

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$4,000	\$4,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,000	\$4,000

See title page for effective date.

CHAPTER 194

H.P. 1211 - L.D. 1728

An Act To Strengthen the Authority of Concealed Weapons Permits

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

Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 2005, c. 527, §2, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm ~~or crossbow~~, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

(4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm ~~or crossbow~~ against a person; or

(b) Any other dangerous weapon;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5); or

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 15 MRSA §393, sub-§1-A, as amended by PL 2005, c. 419, §8 and affected by §12, is further amended to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a dis-

qualifying conviction under subsection 1, paragraph A-1 but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm ~~or crossbow~~ for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 3. 15 MRSA §393, sub-§2, as amended by PL 2005, c. 419, §9 and affected by §12, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a firearm ~~or crossbow~~. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the Commissioner of Public Safety.

Sec. 4. 15 MRSA §393, sub-§3, as amended by PL 2005, c. 527, §3, is further amended to read:

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

Sec. 5. 25 MRSA §2003, sub-§1, ¶B, as repealed and replaced by PL 2003, c. 341, §3, is amended to read:

B. Is not disqualified to possess a firearm pursuant to Title 15, section 393 ~~and~~, is not disqualified as a permit holder under that same section ~~and~~ is not disqualified to possess a firearm based on federal law as a result of a criminal conviction.

Sec. 6. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 15, chapter 15, in the chapter headnote, the words "possession of firearms or crossbows by prohibited persons" are amended to read "possession of firearms by prohibited persons" and the Revisor of

Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 195

H.P. 49 - L.D. 51

An Act To Provide Native Americans with Lifelong Licenses and Permits to Hunt, Fish and Trap

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

Sec. 1. 12 MRSA §10853, sub-§8, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

8. Native American. The commissioner shall issue a hunting, trapping and fishing license, including permits, stamps and other permission needed to hunt, trap and fish, to ~~any~~ a Native American, 10 years of age or older, of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that Native American without any charge or fee if the Native American presents a certificate from the respective reservation governor, the Aroostook Micmac Council or "Wesget-Sipu" stating that the person described is a Native American and a member of that nation, band or tribe. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit.

See title page for effective date.

CHAPTER 196

H.P. 293 - L.D. 363

An Act To Improve Juvenile Justice

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

Sec. 1. 15 MRSA §3205, sub-§2, as amended by PL 2005, c. 507, §7, is further amended to read:

2. Exception. Subsection 1 applies to any person who is considered a juvenile by virtue of section 3101, subsection 2, paragraph D except that if the person has attained 18 years of age, any detention pursuant to section 3203-A and any confinement pursuant to section 3314, subsection 1, paragraph H or section 3314, subsection 7 may be, upon the order of a court, in an adult section of a jail or other secure detention facility