

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

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.

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## 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.

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## 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