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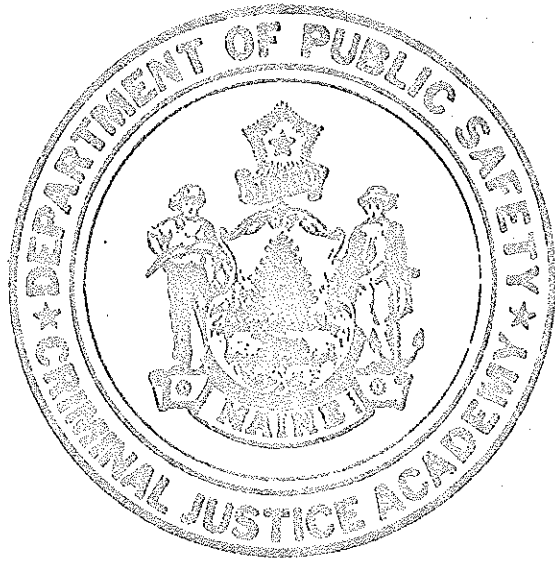
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Information

CONCEALED WEAPONS LAW

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INFORMATION  
CONCEALED WEAPONS LAW

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MAINE CRIMINAL JUSTICE ACADEMY  
A Bureau of the Department of Public Safety

ISSUANCE OF CONCEALED WEAPON PERMITS

As a result of the workshop held at the Maine Criminal Justice Academy, this informational package was developed to assist you in establishing policy on issuing concealed weapon permits. This material was gathered by Ms. Yvonne English, Executive Director, Maine Chiefs of Police; Mr. Robert Wagner, Director, State Bureau of Identification; and Ms. Anita St. Onge, Assistant Attorney General and Legal Instructor at the Maine Criminal Justice Academy. If you have any questions concerning any of this material please call any of these individuals.

The numbers below correspond to the circled numbers on attached L.D. 519. These are designated to assist you in interpreting sections of the law.

1. This law replaces the previous concealed weapons law.
2. This is a concealed weapons law, not strictly a firearms law. The person is licensed not the weapon.
3. See Appendix "A" (17-A § 2 - Def.)
4. Law enforcement officers who are carrying concealed weapons outside of their jurisdiction must obtain written authority of the chief executive officer of their employing agency. Each community will have to determine who this individual is.
5. Municipal officers may designate themselves or their full-time chief as issuing authority for permits.
6. Must be of good moral character and fulfill all the requirements of A thru E to get a permit.
7. Anyone violating § B shall not be issued a permit.
8. See Appendix "B" (application).
9. Denial alone does not constitute grounds for refusal.
10. Fingerprinting may only be required for questions of identity.
11. Check State Bureau of Identification (SBI), courts, and police departments.
12. Check missing and wanted file, State Police Headquarters.
13. You will need a release of information to go to the Department of Mental Health. 34 M.R.S.A. § 1-B Appendix "C" Release.
14. See Appendix "D" check probate court.
15. Ask for discharge records. For added information refer to Appendix "E."
16. Ask for birth certificate.

17. If applicant refuses to answer questions 1-5 or answers "yes" to question 6 (a - h), this is grounds for denial of permit.
18. Requirement of a photograph is permissible. You may require applicant to produce the photograph.
19. Copy of law must be given to every applicant.
20. Limited to matters recorded by a governmental entity within a 5 year period.
21. Check courts and police departments.
22. Appendix "F"
23. Police departments, courts, Secretary of State.
24. See Appendix "G" Permit.
25. This applies to both applicants and issuing agencies.
26. The issuing authority has the power to revoke a permit in the following circumstances:
  1. a material misstatement was made on the application;
  2. the person has violated § 2031; or
  3. the person becomes ineligible to make an application under this chapter (has violated a provision of § 2032 or is no longer of good moral character).
27. Note confidentiality and permanent records.

APPROVED

CHAPTER

APR 1 '81

119

BY GOVERNOR

PUBLIC LAW

# STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

M. 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 aidmen 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; ← (7)

C. Submits an application which contains the following: ← (8)

(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; ← (9)

(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 ← (10)

(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? ← (11)

(b) Have you ever been convicted of a crime for which the penalty possible exceeded one year in prison? ← (11)

(c) Are you a fugitive from justice? ← (12)

(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? ← (13)

(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)? ← (14)

(g) Have you been dishonorably discharged from the military forces within the past 5 years? ← (15)

(h) Are you an illegal alien? ← (16)

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; ← (17)

D. Submits to being photographed if a photograph is an integral part of concealed weapon permits issued by the jurisdiction; and ← (18)

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. ← (17)

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: ← (20)

A. Records of incidents of abuse by the applicant of family or household members, provided pursuant to Title 19, section 770, subsection 1; ← (21)

B. Records provided by the Department of Human Services regarding the failure of the applicant to meet child or family support obligations; ← (22)

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 ← (23)

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. ← (24)

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. ← (25)

§ 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. ← (26)

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. ← (27)

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.

IN HOUSE OF REPRESENTATIVES, ..... 1981

Read twice and passed to be enacted.

..... Speaker

\_\_\_\_\_

IN SENATE, ..... 1981

Read twice and passed to be enacted.

..... President

\_\_\_\_\_

Approved..... 1981

..... Governor



MAINE CRIMINAL JUSTICE ACADEMY  
A Bureau of the Department of Public Safety

17-A § 2 Maine Criminal Code

9. Dangerous weapon

- A. "Use of a dangerous weapon" means the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.
- B. "Armed with a dangerous weapon" means in actual possession, regardless of whether the possession is visible or concealed, of:
  - (1) A firearm;
  - (2) Any device designed as a weapon and capable of producing death or serious bodily injury; or
  - (3) Any other device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury. For purposes of this definition, the intent may be conditional.
- C. When used in any other context, "dangerous weapon" means a firearm or any device designed as a weapon and capable of producing death or serious bodily injury.
- D. For purposes of this subsection, a thing presented in a covered or open manner as a dangerous weapon shall be presumed to be a dangerous weapon.



Appendix B

APPLICATION FOR CONCEALED WEAPONS PERMIT

1. NAME \_\_\_\_\_  
Last First Middle

2. CURRENT ADDRESS \_\_\_\_\_  
Street \_\_\_\_\_  
City State Zip Code

ADDRESS FOR PAST 5 YEARS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. DATE OF BIRTH \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_  
HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ EYE COLOR \_\_\_\_\_

By affixing my signature to this application I am granting authority to check with any law enforcement agencies as may be necessary to determine the existence of any criminal record. I further understand that I will submit to having my fingerprints taken by the licensing authority if it becomes necessary to resolve any question as to my identity.

4. Have you ever been denied a permit for a concealed weapon? \_\_\_\_\_ If answer is yes, explain \_\_\_\_\_

5. Answer 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 my signature as applicant I certify that the information in this application is true and correct to the best of my knowledge and belief and I understand that an affirmative answer to questions numbered a-h above is cause for refusal of this application and that any false statement may result in prosecution in a court of law.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

Fee to be submitted with application - Original Application \$15.00  
 Renewal Application \$ 5.00  
 (Fees to include any permit issued)

A copy of the laws governing the application for and carrying of a concealed weapon shall be provided applicant.

I have received a copy \_\_\_\_\_  
 Signature of Applicant

AUTHORITY TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I hereby authorize           (designated investigator)           or other authorized representative of the           (issuing authority)           bearing this release, or copy thereof, within one year of its date, to obtain any information in your files pertaining to my employment, military, credit or educational records including, but not limited to, academic, achievement, attendance, athletic, personal history, and disciplinary records; medical records, and credit records. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of           (issuing authority)          . I hereby release you, as the custodian of such records, and any school, college, university, or other educational institution, hospital, or other repository of medical records, credit bureau, lending institution, consumer reporting agency, or retail business establishment including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below. All records obtained pursuant to 25 M.R.S.A. § 2032 are confidential and may not be made available for public inspection or copying.

Full Name:

\_\_\_\_\_  
(Signature)

Full Name:

\_\_\_\_\_  
(Typed or Printed Name)

Date:

Current Address:

Telephone Number:

Witness: \_\_\_\_\_



Appendix D

INCAPACITATED PERSON

Title 18-A § 5-101 (1)

Any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause except minority to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.



Appendix E

MAINE CRIMINAL JUSTICE ACADEMY  
A Bureau of the Department of Public Safety

REQUEST MADE ON MILITARY INFORMATION

You may request information in regards to military discharges to:

National Personnel Record Center  
G.S.A.  
9700 Page Boulevard  
St. Louis, Missouri 63132

1. Release form needed, refer to Appendix "C."
2. Information needed for inquiry
  - a. Name and Social Security number



## Department of Human Services

STATE HOUSE, AUGUSTA, MAINE

Date May 18, 1981To Bob Wagner, State Police, Bureau of Identification, No. 42From Raymond E. Ritchie, Assistant Attorney GeneralSubject L.D. 519

This is to confirm our conversation of May 15th concerning the Department's cooperation in providing information of good moral character.

As previously indicated, information concerning the responsible parent is not confidential under either state or federal statutes. Thus there is no problem in the Department's cooperation, providing sufficient identifying information is provided to locate the applicant's records. As to the means of contacting the Department, I feel it is essential that all information transactions be conducted in writing to insure its accuracy. In order to conduct a successful search of its records, the Department will need to know the full name of the applicant, and the full current name of all ex spouses.

This information should be sent to the following address:

Department of Human Services  
Cashier's Section  
221 State Street, Station 11  
Augusta, Maine 04333


I will assist the Department in drafting a form letter to be used in response to requests. This letter will contain four possible responses by the Department:

- (1). The Department has no records involving this applicant;
- (2). The applicant is not in arrears;
- (3). The applicant is in arrears;
- (4). The applicant is substantially in arrears.

The adjective "substantially", will be defined as a certain dollar amount to be established by the Department. I believe it appropriate at this time to indicate that all request for information from the issuing authority should contain a self addressed stamped envelope for its response.

If I may be of any further assistance, please feel free to contact me.

Very truly yours,



Raymond E. Ritchie  
Assistant Attorney General





State of Maine

CONCEALED WEAPON PERMIT

Name \_\_\_\_\_

Address \_\_\_\_\_

Photo  
(optional)

Date of Birth \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye  
Color \_\_\_\_\_

Permit Number \_\_\_\_\_

Signature  
of  
Licensee \_\_\_\_\_

Date of Issue \_\_\_\_\_ Date of Expiration \_\_\_\_\_

-----  
Back

This is to certify that this licensee has complied with the requirements of sections 2031 and 2032, Chapter 253, Title 25 of the Revised Statutes Annotated of 1964 of the State of Maine (as amended), and is licensed to carry a concealed weapon.

Signature  
of Issuing  
Authority \_\_\_\_\_

Title of  
Official \_\_\_\_\_

Issuing Agency \_\_\_\_\_

Address of  
Issuing Agency \_\_\_\_\_



## STATE OF MAINE

Inter-Departmental Memorandum Date January 9, 1981

GREGORY SPITZER, Sgt., Supervising Dept. MAINE STATE POLICE  
Licensing Section  
 From WAYNE S. MOSS, Ass't A.G. Dept. ATTORNEY GENERAL/CRIM. DIV.  
 Subject Shall a firearm be considered concealed pursuant

Your Question: Shall a firearm be considered concealed pursuant to 25 M.R.S.A. §2031 (Supp. 1980-81), when not immediately on the person but rather placed beneath the motor vehicle operator's seat or placed in the glove compartment?

Conclusion: A firearm is "concealed" for purposes of 25 M.R.S.A. §2031 (Supp. 1980-81) even though it is not immediately on the person but is instead placed beneath the motor vehicle operator's seat or is in the glove compartment.

Analysis: 25 M.R.S.A. §2031 (Supp. 1980-81) provides in pertinent part:

No person... shall wear under his clothes, or conceal about his person any firearm... except that the chief of police or city marshal of any city or the selectmen of any town may upon written application therefor issue to any legal resident of such city or town of good moral character, a certificate setting forth that such person has been duly licensed to carry such weapon mentioned in the certificate. (Emphasis added)

For the purposes of this statute, a firearm placed beneath the motor vehicle operator's seat or placed in the glove compartment is "concealed about his person." A firearm so placed is on the one hand out of sight (concealed) and on the other hand within easy reach (about his person). This reasoning is in agreement with the objective of 25 M.R.S.A. §2031 (Supp. 1980-81), which is to prevent individuals from hiding dangerous weapons in places within their immediate control, whether under clothes or under drivers' seats or in glove compartments, without prior certification of good moral character by an appropriate local official. The person who, while driving, keeps a firearm under the driver's seat or in the glove compartment without such certification acts in violation of the statute and requires a concealed weapons permit in order to continue the practice.

/sbr



MAINE CRIMINAL JUSTICE ACADEMY  
A Bureau of the Department of Public Safety

SUGGESTED PROCEDURE FOR AGENCIES

1. Develop an in-house policy on the issuing of gun permits.
2. Attempt to have a designated person responsible in processing application. Important to maintain consistency in the process.
3. Develop a policy on the investigative procedure to be used.
  - a. Again, consistency avoids discrimination charges.
4. Develop source of information to secure the proper background material.
  - a. Character check
  - b. Court information
  - c. Other criteria needed
5. If issued, give a copy of the law and any restrictions or revocation material.
6. If not issued, have documented reason and reliable source to back up your rejection.
7. Maintain records as the law requires.
  - a. Denials
  - b. Issued license
8. Confidentiality of all records as provided by the law.
  - a. Properly secured
9. Record any problems encountered in the issuance of gun permits as corrective measures can be taken through the Legislature.
10. Liability may go beyond the law penalty. Malfeasance in office or civil liability could result if procedures are not carefully followed. Be cautious and thorough.