



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1728

H.P. 1278

House of Representatives, January 3, 2012

### **An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits**

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative PLUMMER of Windham.

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

2 **Sec. 1. 25 MRSA §2003, sub-§1, ¶B,** as amended by PL 2011, c. 298, §7, is  
3 further amended to read:

4 B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not  
5 disqualified as a permit holder under that same section ~~and~~, is not disqualified to  
6 possess a firearm based on federal law as a result of a criminal conviction and is not  
7 disqualified as a permit holder under subsection 18;

8 **Sec. 2. 25 MRSA §2003, sub-§1, ¶D,** as amended by PL 2011, c. 298, §7, is  
9 further amended to read:

10 D. Submits an application that contains the following:

11 (1) Full name;

12 (2) Full current address and addresses for the prior 5 years;

13 (3) The date and place of birth, height, weight, color of eyes, color of hair, sex  
14 and race;

15 (4) A record of previous issuances of, refusals to issue and revocations of a  
16 permit to carry concealed firearms, handguns or other concealed weapons by any  
17 issuing authority in the State or any other jurisdiction. ~~The~~ Except as provided in  
18 subsection 18, the record of previous refusals alone does not constitute cause for  
19 refusal and the record of previous revocations alone constitutes cause for refusal  
20 only as provided in section 2005; and

21 (5) Answers to the following questions:

22 (a) Are you less than 18 years of age?

23 (b) Is there a formal charging instrument now pending against you in this  
24 State for a crime under the laws of this State that is punishable by  
25 imprisonment for a term of one year or more?

26 (c) Is there a formal charging instrument now pending against you in any  
27 federal court for a crime under the laws of the United States that is  
28 punishable by imprisonment for a term exceeding one year?

29 (d) Is there a formal charging instrument now pending against you in another  
30 state for a crime that, under the laws of that state, is punishable by a term of  
31 imprisonment exceeding one year?

32 (e) If your answer to the question in division (d) is "yes," is that charged  
33 crime classified under the laws of that state as a misdemeanor punishable by  
34 a term of imprisonment of 2 years or less?

35 (f) Is there a formal charging instrument pending against you in another state  
36 for a crime punishable in that state by a term of imprisonment of 2 years or  
37 less and classified by that state as a misdemeanor, but that is substantially  
38 similar to a crime that under the laws of this State is punishable by  
39 imprisonment for a term of one year or more?

- 1 (g) Is there a formal charging instrument now pending against you under the  
2 laws of the United States, this State or any other state or the Passamaquoddy  
3 Tribe or Penobscot Nation in a proceeding in which the prosecuting authority  
4 has pleaded that you committed the crime with the use of a firearm against a  
5 person or with the use of a dangerous weapon as defined in Title 17-A,  
6 section 2, subsection 9, paragraph A?
- 7 (h) Is there a formal charging instrument now pending against you in this or  
8 any other jurisdiction for a juvenile offense that, if committed by an adult,  
9 would be a crime described in division (b), (c), (d) or (f) and involves bodily  
10 injury or threatened bodily injury against another person?
- 11 (i) Is there a formal charging instrument now pending against you in this or  
12 any other jurisdiction for a juvenile offense that, if committed by an adult,  
13 would be a crime described in division (g)?
- 14 (j) Is there a formal charging instrument now pending against you in this or  
15 any other jurisdiction for a juvenile offense that, if committed by an adult,  
16 would be a crime described in division (b), (c), (d) or (f), but does not  
17 involve bodily injury or threatened bodily injury against another person?
- 18 (k) Have you ever been convicted of committing or found not criminally  
19 responsible by reason of mental disease or defect of committing a crime  
20 described in division (b), (c), (f) or (g)?
- 21 (l) Have you ever been convicted of committing or found not criminally  
22 responsible by reason of mental disease or defect of committing a crime  
23 described in division (d)?
- 24 (m) If your answer to the question in division (l) is "yes," was that crime  
25 classified under the laws of that state as a misdemeanor punishable by a term  
26 of imprisonment of 2 years or less?
- 27 (n) Have you ever been adjudicated as having committed a juvenile offense  
28 described in division (h) or (i)?
- 29 (o) Have you ever been adjudicated as having committed a juvenile offense  
30 described in division (j)?
- 31 (p) Are you currently subject to an order of a Maine court or an order of a  
32 court of the United States or another state, territory, commonwealth or tribe  
33 that restrains you from harassing, stalking or threatening your intimate  
34 partner, as defined in 18 United States Code, Section 921(a), or a child of  
35 your intimate partner, or from engaging in other conduct that would place  
36 your intimate partner in reasonable fear of bodily injury to that intimate  
37 partner or the child?
- 38 (q) Are you a fugitive from justice?
- 39 (r) Are you a drug abuser, drug addict or drug dependent person?
- 40 (s) Do you have a mental disorder that causes you to be potentially  
41 dangerous to yourself or others?

- 1 (t) Have you been adjudicated to be an incapacitated person pursuant to Title  
2 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an  
3 order under Title 18-A, section 5-307, subsection (b)?
- 4 (u) Have you been dishonorably discharged from the military forces within  
5 the past 5 years?
- 6 (v) Are you an illegal alien?
- 7 (w) Have you been convicted in a Maine court of a violation of Title 17-A,  
8 section 1057 within the past 5 years?
- 9 (x) Have you been adjudicated in a Maine court within the past 5 years as  
10 having committed a juvenile offense involving conduct that, if committed by  
11 an adult, would be a violation of Title 17-A, section 1057?
- 12 (y) To your knowledge, have you been the subject of an investigation by any  
13 law enforcement agency within the past 5 years regarding the alleged abuse  
14 by you of family or household members?
- 15 (z) Have you been convicted in any jurisdiction within the past 5 years of 3  
16 or more crimes punishable by a term of imprisonment of less than one year or  
17 of crimes classified under the laws of a state as a misdemeanor and  
18 punishable by a term of imprisonment of 2 years or less?
- 19 (aa) Have you been adjudicated in any jurisdiction within the past 5 years to  
20 have committed 3 or more juvenile offenses described in division (o)?
- 21 (bb) To your knowledge, have you engaged within the past 5 years in  
22 reckless or negligent conduct that has been the subject of an investigation by  
23 a governmental entity?
- 24 (cc) Have you been convicted in a Maine court within the past 5 years of any  
25 Title 17-A, chapter 45 drug crime?
- 26 (dd) Have you been adjudicated in a Maine court within the past 5 years as  
27 having committed a juvenile offense involving conduct that, if committed by  
28 an adult, would have been a violation of Title 17-A, chapter 45?
- 29 (ee) Have you been adjudged in a Maine court to have committed the civil  
30 violation of possession of a useable amount of marijuana, butyl nitrite or  
31 isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?
- 32 (ff) Have you been adjudicated in a Maine court within the past 5 years as  
33 having committed the juvenile crime defined in Title 15, section 3103,  
34 subsection 1, paragraph B of possession of a useable amount of marijuana, as  
35 provided in Title 22, section 2383?; and

36 **Sec. 3. 25 MRSA §2003, sub-§18** is enacted to read:

37 **18. Nonresident applicant; prohibition.** An issuing authority may not issue a  
38 nonresident permit to carry concealed handguns to a nonresident applicant who:

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A. Resides in a state that issues concealed handgun permits to residents and whose laws governing the issuance of concealed handgun permits are substantially equivalent to or less restrictive than the laws of this State; and

B. Applied for and was denied a resident permit to carry a concealed handgun in the applicant’s state of residence.

**SUMMARY**

This bill prohibits authorities that issue permits to carry concealed handguns from issuing such a permit to an applicant for a Maine nonresident permit who lives in a state that also issues concealed handgun permits and whose laws on such permits are substantially equivalent to or less restrictive than Maine law if the applicant applied for and was denied a concealed handgun permit by the applicant's state of residence.