

## CHAPTER 252

### PERMITS TO CARRY CONCEALED HANDGUNS

#### **§2001. Threatening display of or carrying a concealed weapon**

**(REPEALED)**

##### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1987, c. 602, §1 (AMD). PL 1989, c. 917, §§3-6 (AMD). PL 1997, c. 360, §1 (AMD). PL 2001, c. 459, §§1,2 (AMD). PL 2003, c. 414, §§B36,37 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 452, §N1 (RP). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 695, Pt. A, §31 (RP).

#### **§2001-A. Threatening display of or carrying concealed weapon**

**1. Display or carrying prohibited.** A person may not, unless excepted by a provision of law:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or [PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Wear under the person's clothes or conceal about the person's person a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person. [PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**2. Exceptions.** The provisions of this section concerning the carrying of concealed weapons do not apply to:

A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter; [PL 2011, c. 691, Pt. A, §24 (RPR).]

A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm; [PL 2015, c. 327, §2 (NEW).]

B. Disabling chemicals as described in Title 17-A, section 1002; [PL 2011, c. 691, Pt. A, §24 (RPR).]

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001; [PL 2011, c. 691, Pt. A, §24 (RPR).]

D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer; [PL 2011, c. 691, Pt. A, §24 (RPR).]

E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; [PL 2011, c. 691, Pt. A, §24 (RPR).]

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter; [PL 2015, c. 144, §1 (RPR).]

G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties; [PL 2011, c. 691, Pt. A, §24 (RPR).]

H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and [PL 2011, c. 691, Pt. A, §24 (RPR).]

I. A handgun carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun. [PL 2011, c. 691, Pt. A, §24 (RPR).]

[PL 2015, c. 144, §1 (AMD); PL 2015, c. 327, §2 (AMD).]

**3. Firearm safety brochure.** Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns. [PL 2015, c. 327, §3 (NEW).]

## SECTION HISTORY

PL 2003, c. 452, §N2 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 488, §7 (AMD). PL 2007, c. 555, §1 (AMD). PL 2011, c. 298, §§4, 5 (AMD). PL 2011, c. 394, §3 (AMD). PL 2011, c. 396, §§1-3 (AMD). PL 2011, c. 691, Pt. A, §24 (AMD). PL 2015, c. 144, §1 (AMD). PL 2015, c. 327, §§2, 3 (AMD).

## §2002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 478, §2 (NEW).]

**1. Corrections officer.** "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2. [PL 2013, c. 147, §3 (AMD).]

**1-A. Conviction.** "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction. [PL 2003, c. 341, §1 (NEW).]

**1-B. Corrections supervisor.** "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B. [RR 2005, c. 2, §21 (COR).]

**2. Dependency-related drug.** "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7. [PL 1993, c. 524, §1 (AMD).]

**3. Drug user.** "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10. [PL 2017, c. 407, Pt. A, §100 (AMD).]

**4. Person with substance use disorder.** "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A. [PL 2017, c. 407, Pt. A, §100 (AMD).]

**5. Drug-dependent person.** [PL 2017, c. 407, Pt. A, §101 (RP).]

**6. Firearm.** "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A. [PL 1985, c. 478, §2 (NEW).]

**7. Formal charging instrument.** "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense. [PL 1985, c. 478, §2 (NEW).]

**8. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4. [PL 1985, c. 478, §2 (NEW).]

**8-A. Handgun.** "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand. [PL 2011, c. 298, §6 (NEW).]

**9. Issuing authority.** "Issuing authority" means the following:

A. To a legal resident of a municipality with a full-time chief of police:

- (1) Except as otherwise provided in this paragraph, the municipal officers of the municipality;
- (3) The chief of police of the municipality if the municipal officers of the municipality designate the chief as the issuing authority;
- (4) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B; or
- (5) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B; [PL 2021, c. 619, §1 (AMD).]

A-1. To a legal resident of a municipality without a full-time chief of police:

- (1) Except as otherwise provided in this paragraph, the municipal officers of the municipality;
  - (2) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B;
  - (3) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B; or
  - (4) The Chief of the State Police if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-A; [PL 2021, c. 619, §1 (NEW).]
- B. To a resident of an unorganized territory:
- (1) The Chief of the State Police; [PL 1997, c. 360, §2 (AMD).]
- C. To a nonresident:
- (1) The Chief of the State Police; and [PL 1997, c. 360, §2 (AMD).]
- D. To a professional investigator licensed under Title 32, chapter 89:
- (1) The Chief of the State Police. [PL 2011, c. 366, §5 (AMD).]
- [PL 2021, c. 619, §1 (AMD).]

**10. Law enforcement officer.** "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.  
[PL 1985, c. 478, §2 (NEW).]

**10-A. Not criminally responsible by reason of mental disease or defect.** "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.  
[PL 2003, c. 341, §2 (NEW).]

**10-B. Municipal officers.** "Municipal officers" means the mayor, municipal officers or councilors of a city; the municipal officers or councilors of a town; or the assessors of a plantation.  
[PL 2021, c. 619, §2 (NEW).]

**11. Reckless or negligent conduct.** "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that the applicant's conduct would cause such a result, engaged in conduct that in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to the applicant, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.  
[RR 2023, c. 1, §53 (COR).]

**12. Bodily injury.** "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.  
[PL 1993, c. 524, §3 (NEW).]

**13. State and state.** "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.  
[PL 2003, c. 341, §2 (NEW).]

**14. Use of a dangerous weapon.** "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

[PL 2003, c. 341, §2 (NEW).]

#### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §7 (AMD). PL 1993, c. 524, §§1-3 (AMD). PL 1997, c. 360, §§2,3 (AMD). PL 2003, c. 341, §§1,2 (AMD). RR 2005, c. 2, §21 (COR). PL 2005, c. 488, §8 (AMD). PL 2011, c. 298, §6 (AMD). PL 2011, c. 366, §5 (AMD). PL 2013, c. 147, §3 (AMD). PL 2017, c. 407, Pt. A, §§100, 101 (AMD). PL 2021, c. 619, §§1, 2 (AMD). RR 2023, c. 1, §53 (COR).

#### §2002-A. Assignment of authority

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation. [PL 1993, c. 524, §4 (AMD).]

#### SECTION HISTORY

PL 1991, c. 440 (NEW). PL 1993, c. 340, §1 (AMD). PL 1993, c. 524, §4 (AMD).

#### §2002-B. Assignment of authority; chief of police of adjacent municipality or county sheriff

The municipal officers of a municipality may designate the chief of police of an adjacent municipality or the sheriff of the county in which the municipality is located as the issuing authority for that municipality if the chief or sheriff agrees to the designation. The designation must be made by written agreement with the chief or sheriff. The agreement must include provisions for termination of the agreement. During the term of an agreement, the chief or sheriff shall perform all the functions of the issuing authority, including suspension and revocation of permits. The chief or sheriff is entitled to receive any fees authorized for performing the functions of an issuing authority. The chief or sheriff continues to serve as the issuing authority until the chief or sheriff receives from the municipal officers written notice of cancellation or revocation of the designation. [PL 2021, c. 619, §3 (NEW).]

#### SECTION HISTORY

PL 2021, c. 619, §3 (NEW).

#### §2003. Permits to carry concealed handguns

**1. Criteria for issuing permit.** The issuing authority shall, upon written application, issue a permit to carry concealed handguns to an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

- A. Is 18 years of age or older; [PL 1985, c. 478, §2 (NEW).]
- B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, 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; [PL 2011, c. 298, §7 (AMD).]
- C. [PL 1993, c. 368, §4 (RP).]
- D. Submits an application that 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, color of eyes, color of hair, sex and race;
- (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms, handguns or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and
- (5) Answers to the following questions:
  - (a) Are you less than 18 years of age?
  - (b) Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?
  - (c) Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?
  - (d) Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?
  - (e) If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
  - (f) Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?
  - (g) Is there a formal charging instrument now pending against you 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 has pleaded that you committed the crime with the use of a firearm against a person or with the use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A?
  - (h) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f) and involves bodily injury or threatened bodily injury against another person?
  - (i) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (g)?
  - (j) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f), but does not involve bodily injury or threatened bodily injury against another person?
  - (k) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (b), (c), (f) or (g)?

- (l) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (d)?
- (m) If your answer to the question in division (l) is "yes," was that crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
- (n) Have you ever been adjudicated as having committed a juvenile offense described in division (h) or (i)?
- (o) Have you ever been adjudicated as having committed a juvenile offense described in division (j)?
- (p) Are you currently subject to an order of a Maine court or an order of a court of the United States or another state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening your intimate partner, as defined in 18 United States Code, Section 921(a), or a child of your intimate partner, or from engaging in other conduct that would place your intimate partner in reasonable fear of bodily injury to that intimate partner or the child?
- (q) Are you a fugitive from justice?
- (r) Are you a drug user or a person with substance use disorder?
- (s) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?
- (t) Do you currently have a guardian or conservator who was appointed for you under Title 18-C, Article 5, Part 3 or 4?
- (u) Have you been dishonorably discharged from the military forces within the past 5 years?
- (v) Are you an illegal alien?
- (w) Have you been convicted in a Maine court of a violation of Title 17-A, section 1057 within the past 5 years?
- (x) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would be a violation of Title 17-A, section 1057?
- (y) To your knowledge, have you been the subject of an investigation by any law enforcement agency within the past 5 years regarding the alleged abuse by you of family or household members?
- (z) Have you been convicted in any jurisdiction within the past 5 years of 3 or more crimes punishable by a term of imprisonment of less than one year or of crimes classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?
- (aa) Have you been adjudicated in any jurisdiction within the past 5 years to have committed 3 or more juvenile offenses described in division (o)?
- (bb) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?
- (cc) Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?

(dd) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45?

(ee) Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of cannabis, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

(ff) Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of cannabis, as provided in Title 22, section 2383; and [PL 2017, c. 402, Pt. C, §79 (AMD); PL 2017, c. 407, Pt. A, §102 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF); PL 2021, c. 669, §5 (REV).]

E. Does the following:

(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:

(a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;

(b) The ascertainment of whether each of the additional requirements of this section has been met; and

(c) Section 2005;

(2) If a photograph is an integral part of the permit to carry concealed handguns adopted by an issuing authority, submits to being photographed for that purpose;

(3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;

(4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:

(a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) Nonresident, \$60 for an original or renewal application; and

(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is



willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid state permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training. [PL 2011, c. 298, §7 (AMD).]

[PL 2017, c. 402, Pt. C, §79 (AMD); PL 2017, c. 407, Pt. A, §102 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF); PL 2021, c. 669, §5 (REV).]

**2. Complete application; certification by applicant.** The requirements set out in subsection 1, constitute a complete application. By affixing the applicant's signature to the application, the applicant certifies the following:

A. That the statements the applicant makes in the application and any documents the applicant makes a part of the application are true and correct; [PL 1993, c. 524, §9 (AMD).]

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393; [PL 2003, c. 341, §5 (AMD).]

A-2. That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4; [PL 2003, c. 341, §6 (NEW).]

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q) to (x) is cause for refusal; [PL 2003, c. 341, §7 (AMD).]

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and [PL 2003, c. 341, §8 (AMD).]

C. That the applicant understands any false statements made in the application or in any document made a part of the application may result in prosecution as provided in section 2004. [PL 1993, c. 524, §9 (AMD).]

[PL 2003, c. 341, §§5-8 (AMD).]

**3. Copy of laws furnished to applicant.** A copy of this chapter and the definitions from other chapters that are used in this chapter must be provided to every applicant.

[PL 2011, c. 298, §7 (AMD).]

**3-A. Model forms.** The Attorney General shall develop model forms for the following:

A. An application for a resident permit to carry concealed handguns; [PL 2011, c. 298, §7 (AMD).]

B. An application for a nonresident permit to carry concealed handguns; [PL 2011, c. 298, §7 (AMD).]

C. A resident permit to carry concealed handguns of which a photograph is an integral part; [PL 2011, c. 298, §7 (AMD).]

D. A resident permit to carry concealed handguns of which a photograph is not an integral part; [PL 2011, c. 298, §7 (AMD).]

E. A nonresident permit to carry concealed handguns; and [PL 2011, c. 298, §7 (AMD).]

F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application. [PL 1989, c. 917, §12 (NEW).]

Each issuing authority shall utilize only the model forms.

[PL 2011, c. 298, §7 (AMD).]

**4. Good moral character.** The issuing authority in judging good moral character shall make its determination in writing based solely upon information recorded by governmental entities within 5 years of receipt of the application, including, but not limited to, the following matters:

A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section 4114, subsection 1; [PL 2021, c. 647, Pt. B, §53 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Information of record relative to 3 or more convictions of the applicant for crimes punishable by less than one year imprisonment or one or more adjudications of the applicant for juvenile offenses involving conduct that, if committed by an adult, is punishable by less than one year imprisonment; [PL 1989, c. 924, §14 (AMD).]

C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or [PL 1989, c. 924, §14 (AMD).]

D. Information of record indicating that the applicant has been convicted of or adjudicated as having committed a violation of Title 17-A, chapter 45 or Title 22, section 2383, or adjudicated as having committed a juvenile crime that is a violation of Title 22, section 2383 or a juvenile crime that would be defined as a criminal violation under Title 17-A, chapter 45 if committed by an adult. [PL 1989, c. 924, §15 (NEW).]

[PL 2021, c. 647, Pt. B, §53 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

**5. Access to confidential records.** Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section 4114, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

[PL 2021, c. 647, Pt. B, §54 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

**6. Unorganized territory.**

[PL 1993, c. 524, §10 (RP).]

**7. Nonresident.**

[PL 1993, c. 524, §11 (RP).]

**8. Term of permit.** All concealed handgun permits are valid for 4 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for 4 years from the expiration date of the permit being renewed.

[PL 2011, c. 298, §7 (AMD).]

**9. Information contained in permit.** Each permit to carry concealed handguns issued must contain the following: The name, address and physical description of the permit holder; the holder's signature; the date of issuance; and the date of expiration. A permit to carry concealed handguns may

additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed handguns.

[PL 2011, c. 298, §7 (AMD).]

**10. Validity of permit throughout the State.** Permits issued authorize the person to carry those concealed handguns throughout the State.

[PL 2011, c. 298, §7 (AMD).]

**11. Permit to be in permit holder's immediate possession.** Every permit holder, including a nonresident who holds a permit issued by the nonresident's state of residence, shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

[PL 2015, c. 144, §2 (AMD).]

**12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days.** The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

[PL 1991, c. 865, §3 (AMD).]

**13. Fee waiver.** An issuing authority may waive the permit fee for a permit issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

[PL 1991, c. 865, §4 (NEW).]

**14. Lapsed permit.** A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

[PL 1991, c. 865, §5 (NEW).]

**15. Duty of issuing authority; application fees.** The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following.

A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [PL 1993, c. 524, §12 (NEW).]

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [PL 1993, c. 524, §12 (NEW).]

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police. [PL 2015, c. 123, §1 (AMD).]

[PL 2015, c. 123, §1 (AMD).]

**16. Application fee; use.** The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed handguns issued by the issuing authority. [PL 2011, c. 298, §7 (AMD).]

**17. Waiver of law enforcement agency record and background check fees.** Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority. [PL 2011, c. 298, §7 (NEW).]

**18. Certain persons on active duty in United States Armed Forces.** A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a). [PL 2015, c. 123, §2 (NEW).]

#### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §§8-12 (AMD). PL 1989, c. 924, §§14,15 (AMD). PL 1991, c. 528, §§EE1,2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§EE1,2 (AMD). PL 1991, c. 622, §§PP2,3 (AMD). PL 1991, c. 624, §§2,3 (AFF). PL 1991, c. 865, §§1-5 (AMD). PL 1993, c. 289, §1 (AMD). PL 1993, c. 340, §§2,3 (AMD). PL 1993, c. 368, §§4-7 (AMD). PL 1993, c. 524, §§5-12 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 694, §§D51,52 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 354, §3 (AMD). PL 2001, c. 549, §§6,7 (AMD). PL 2003, c. 341, §§3-8 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 236, §§3,4 (REV). PL 2007, c. 194, §5 (AMD). PL 2011, c. 298, §7 (AMD). PL 2015, c. 123, §§1, 2 (AMD). PL 2015, c. 144, §2 (AMD). PL 2017, c. 402, Pt. C, §79 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2017, c. 407, Pt. A, §102 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2021, c. 647, Pt. B, §§53, 54 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2021, c. 669, §5 (REV).

#### §2003-A. Duty to inform law enforcement

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun. [PL 2015, c. 327, §4 (NEW).]

#### SECTION HISTORY

PL 2015, c. 327, §4 (NEW).

#### §2004. Penalty

**1. False statements.** A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed handgun or any documents made a part of the application commits a Class D crime. [PL 2011, c. 298, §8 (AMD).]

**2. Carries or conceals dangerous weapon.** A person who violates section 2001-A commits a Class D crime. [PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**3. Failure to possess permit.** A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

[PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**4. Violation of confidentiality.** A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

[PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**5. Failure to inform law enforcement.** A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

[PL 2015, c. 327, §5 (NEW).]

#### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 2003, c. 452, §N3 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 298, §8 (AMD). PL 2015, c. 327, §5 (AMD).

#### §2005. Revocation; change of residence

**1. Revocation.** The issuing authority shall revoke a permit on the basis of one or more of the following determinations:

A. The application or any documents made part of the application contained a material misstatement; [PL 1985, c. 478, §2 (NEW).]

B. The permit holder has been convicted of a violation of section 2001-A; [PL 2003, c. 452, Pt. N, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. The permit holder becomes ineligible to possess a permit under this chapter. Ineligibility is determined on the basis of the criteria contained in section 2003; [PL 1989, c. 917, §13 (AMD).]

D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; or [PL 2009, c. 447, §25 (AMD).]

E. For conduct that occurred after a permit was issued, that the permit holder was convicted of any violation of Title 17-A, chapter 45. [PL 1989, c. 917, §13 (NEW).]

[PL 2009, c. 447, §25 (AMD).]

**2. Change of residence.** Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.

A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2. [PL 2011, c. 298, §9 (AMD).]

B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority. [PL 1989, c. 917, §14 (NEW).]

[PL 2011, c. 298, §9 (AMD).]

**3. Reapplication.** If a permit has been revoked solely under subsection 1, paragraph D, the former permit holder may reapply upon successful completion of a substance use disorder treatment program approved by the Department of Health and Human Services as appropriate for the permit holder's

problem or condition. Except as specified in this subsection, a person, otherwise eligible, who has had a permit revoked, is not eligible for reapplication until the expiration of 5 years from the date of revocation.

[PL 2017, c. 407, Pt. A, §103 (AMD).]

#### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §§13-15 (AMD). PL 2003, c. 452, §N4 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §25 (AMD). PL 2011, c. 298, §9 (AMD). PL 2017, c. 407, Pt. A, §103 (AMD).

#### §2005-A. Suspension of permit upon refusal

**1. Immediate suspension.** If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the permit holder is in possession of a loaded firearm, and the permit holder refuses to submit to the required testing, the permit to carry a concealed handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.

[PL 2011, c. 298, §10 (AMD).]

**2. Notice to issuing authority.** The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

[PL 1989, c. 917, §16 (NEW).]

**3. Suspension in effect during pendency.** The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

[PL 2021, c. 608, Pt. A, §2 (AMD).]

**4. Suspension terminated.** If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

[PL 1989, c. 917, §16 (NEW).]

#### SECTION HISTORY

PL 1989, c. 917, §16 (NEW). PL 1995, c. 65, §A77 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2011, c. 298, §10 (AMD). PL 2021, c. 608, Pt. A, §2 (AMD).

#### §2006. Access to information and proceedings

**1. Application, refusals and collected information; proceedings.** All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

[PL 2013, c. 54, §1 (NEW).]

**2. Permanent record of permit.** The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence; [PL 2013, c. 54, §1 (NEW).]
- B. The date the permit was issued; and [PL 2013, c. 54, §1 (NEW).]
- C. The date the permit expires. [PL 2013, c. 54, §1 (NEW).]

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

[PL 2013, c. 54, §1 (NEW).]

#### SECTION HISTORY

PL 1985, c. 478, §2 (NEW). RR 1999, c. 2, §28 (COR). PL 2011, c. 298, §11 (AMD). PL 2011, c. 662, §15 (AMD). PL 2013, c. 54, §1 (RPR).

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