

**State of Maine**

**LAWS**  
Relating to  
Permits to Carry  
Concealed Firearms

ISSUED BY THE  
MAINE CHIEFS OF POLICE ASSOCIATION  
SEPTEMBER 1994

This Pamphlet issued from the Office  
of the  
MAINE CHIEFS OF POLICE ASSOCIATION  
93 Silver Street  
Waterville, Maine 04901

Prepared for the applicant in compliance with 25 M.R.S.A. § 2003, sub § 3

ALL APPLICANTS ARE ENCOURAGED TO CONSULT  
THE MAINE CHIEFS OF POLICE ASSOCIATION ON  
ANY QUESTION INVOLVING CONCEALED WEAPONS.  
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Approved as to Form and Legality by the  
**OFFICE OF THE ATTORNEY GENERAL**  
**CRIMINAL DIVISION**

**25 M.R.S.A. CHAPTER 252**  
**PERMITS TO CARRY CONCEALED FIREARMS**

**§2001. 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, sling 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.** Firearms carried by any person to whom a valid permit to carry a concealed firearm has been issued as provided in this chapter;

**2. Disabling chemicals.** Disabling chemicals as described in Title 17-A, section 1002;

**3. Hunting knives.** Knives used for the purposes of hunting, fishing or trapping as defined in Title 12, section 7001;

**4. Law enforcement of ficers and corrections officers.** Law enforcement of ficers and corrections officers as permitted in writing by their employer;

**5. Private investigators.** Firearms carried by private investigators licensed under Title 32, Chapter 89, while performing the duties of a private investigator unless the licensee's right to carry a concealed firearm has been suspended; or

**6. Licensed hunters and trappers.** Firearms carried by any person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, of firearms carried by a resident person engaged in conduct expressly authorized by Title 12, section 7377, subsections 1 and 2 This subsection does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle

**§2002. Definitions**

**As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.**

**1. Corrections officer.** "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2, paragraph A

**2. Dependency-related drug.** "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7

**3. Drug abuser.** "Drug abuser" has the same meaning as set forth in Title 5, section 20003, subsection 10.

**4. Drug addict.** "Drug addict" has the same meaning as set forth in Title 5, Section 20003, subsection 11.

**5. Drug-dependent person.** "Drug-dependent person" has the same meaning as set forth in Title 5, section 20003, subsection 12.

**6. Firearm.** "Firearm" has the same meaning as set forth in Title 17-A, section

2, subsection 12-A.

**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.

**8. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 1S, section 201, subsection 4.

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

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

(1) The Chief of the State Police: and

C. To a nonresident:

(1) The Chief of State Police.

**10. Law enforcement officer.** "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

**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 his conduct would cause such a result, engaged in conduct which 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 him, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

**12. Bodily injury.** "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5

**§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.

**§2003. Permits to carry concealed firearms.**

1. **Criteria for issuing permit.** The issuing authority shall, upon written application, issue a permit to carry concealed firearms 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;
- B. Is not disqualified as a permit holder pursuant to Title 15, section 393, subsections 1 and 2;
- C. [repealed by P.L. 1993, ch. 368, § 4]
- 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 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 (~ previous revocations alone constitutes cause for refusal only as provided in section 2005; and

(5) Answers to the following questions:

- (a) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a crime that is punishable by one year or more imprisonment or for any other crime alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?
- (b) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that:
  - (i) Involves conduct that, if committed by an adult, would be punishable by one year or more imprisonment and bodily injury to another person was threatened or resulted; or
  - (ii) Is alleged to have been committed by you with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, or of a firearm against another person?

Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that involves conduct that, if committed by an adult, would be punishable by one year or more imprisonment, other than an offense described in division (b)?

- (c) Have you ever been convicted of a crime described in division (a) or adjudicated as having committed a juvenile offense as described in division (b)?
- (c-1) Have you ever been adjudicated as having committed a juvenile offense as described in division (b-1)?
- (d) Are you a fugitive from justice?
- (e) Are you a drug abuser, drug addict or drug dependent person?
- (f) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?

(g) 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)?

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

(i) Are you an illegal alien?

(j) Have you been convicted of a violation of Title 17-A, section 1057 within the past 5 years?

(k) Have you been adjudicated 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'?

(l) 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 member~?

(m) Have you been convicted within the past 5 years of 3 or more crimes punishable by imprisonment of less than one year?

(n) Have you been adjudicated within the past 5 years to have committed 3 or more juvenile offenses involving conduct that, if committed by an adult, would be punishable by imprisonment of less than one year'?

(o) 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?

(p) Have you been convicted within the past 5 years of any Title 17-A, chapter 45 drug crime?

(q) Have you been adjudicated 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?

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

(s) Have you been adjudicated 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 marijuana, as provided in Title 22, section 2383?; and

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 Mental Health and Mental Retardation, limited to records of patient committals to Augusta Mental Health Institute and Bangor Mental Health Institute, 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 firearms 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, except that a person who paid \$80 for a concealed firearms permit during 1991 or 1992 is entitled to a \$20 credit toward permit renewal fees. The credit is valid until fully utilized; 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 firearms 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.

**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;

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

B. That the applicant understands that an affirmative answer to one or more of

the questions in subsection 1, paragraph D, **subparagraph (5) divisions (c) to (k)** is cause for refusal;

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 (a), (b), (b-1), (c-1), (1), (m), (n) and (o) to (s) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

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.

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

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

A. An application for a resident permit to carry concealed firearms;

B. An application for a nonresident permit to carry concealed firearms;

C. A resident permit to carry concealed firearms of which a photograph is an integral part;

D. A resident permit to carry concealed firearms of which a photograph is not an integral part;

E. A nonresident permit to carry concealed firearms; and

F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application.

Each issuing authority shall utilize only the model forms.

**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, section 77(1), subsection 1;

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;

C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or

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.

**5. Access to confidential records.** Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient commitments to Augusta Mental Health Institute and Bangor Mental Health Institute, and records compiled pursuant to Title 19, section 770, subsection 1, which 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 shall,

at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

6. [repealed by P.L. 1993, ch. 524, §10]

7. [repealed by P.L. 1993, ch. 524, §11]

8. **Term of permit.** All concealed firearm 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.

9. **Information contained in permit.** Each permit to carry concealed firearms issued shall 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 firearms 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 firearms.

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

11. **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 firearm and shall display the same on demand of any law enforcement officer. No person charged with violating this subsection may be adjudicated as having committed a civil violation if he produces in court the concealed firearms permit which was valid at the time of the issuance of a summons to court or, if he 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, no complaint may be issued.

12. **Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a non-resident 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 non-resident 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 limit specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

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.

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.

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.

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.

C. If the Chief of the State Police is the issuing authority because the applicant is either a resident of an unorganized territory or a nonresident, 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.

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 firearms issued by the issuing authority.

#### **§2004. Penalty.**

Whoever intentionally or knowingly makes any false statements in the written application or any documents made a part of the application or violates any provisions of section 2001 is guilty of a Class D crime.

Whoever fails to comply with section 2003, subsection 11, commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

Whoever intentionally or knowingly violates the confidentiality provisions of section 2006 is guilty of a Class E crime.

#### **§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;

B. The permit holder has been convicted of a violation of section 2001;

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;

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 bloodalcohol 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

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.

**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 his legal residence from one municipality to another during the term of the permit, the permit remains valid if he provides his new address to the issuing authority of his 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.

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.

**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 abuse treatment program approved by the Department of Human Services as appropriate for the permit holder's problem or condition. Except as specified in this subsection, no person, otherwise eligible, who has had a permit revoked, is eligible for reapplication until the expiration of 5 years **from the date of** revocation.

**§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 firearm issued to that person is immediately suspended and must be surrendered at the time by the permit holder to the law enforcement officer.

**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.

**3. Suspension in effect during pendency.** The suspension remains in effect until the entry of judgement 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, section 1312, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

**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.

**§2006. Confidentiality of application; penalty.**

Notwithstanding Title 1, sections 401 to 410, all applications for a permit to carry concealed firearms and documents made a part of the application, refusals and any information of record collected by the issuing agency 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 may not be made available for public inspection or copying. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal or revocation of a permit to carry concealed firearms are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

The issuing authority shall make a permanent record of each permit to carry concealed firearms in a suitable book or file kept for that purpose. The record shall include the information contained in the permit itself and shall be available for public inspection.

DEFINITIONS FROM OTHER CHAPTERS  
OF THE MAINE REVISED STATUTES  
WHICH ARE USED IN 25 M.R.S.A. CHAPTER 252

1. **Bodily injury.** (17-A M.R.S.A. 2 (5) ) "Bodily injury" means **physical pain**, physical illness or any impairment of physical condition.

2. **Civil violation.** (17-A M.R.S.A. §4-B)

A. All civil violations are expressly declared not to be criminal offenses. They are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine, penalty or other sanction, or to secure the forfeiture that may be decreed by the law.

B. A law or ordinance may be expressly designated as a civil violation.

C. A law or ordinance which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with subsection 1. A law or ordinance which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with subsection 1, unless the law or ordinance is an exception to the operation of this subsection .

3. **Convicted.** (15 M.R.S.A. §393 (1) )

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 the equivalent in a juvenile case, by a court of competent jurisdiction.

4. **Corrections officer.** (25 M.R.S.A. §2801-A(2) (A) )

"Corrections officer" means as follows:

A. For state agencies, the following class titles and their successor titles: Training School Counselor I and II; Training School Counselor Supervisor; Corrections Officer I, II, III; Guard; Guard Sergeant; Guard Lieutenant and Guard Captain.

5. **Dangerous weapon.** (17-A M.R.S.A. §2 (9) )

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, edangerous weaponn means a firearm or any device **designed as a weapon and capable of producing death or serious bodily mJury**.

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.

**6. Dependency-related drug.** (5 M.R.S.A. §20003 (n) )

"Dependency-related drug" means alcohol or any substance controlled under chapter 551, subchapter II, and chapters 557 and 558.

**7. Disabling chemicals.** (17-A M.R.S.A. §1002 (1) )

"Disabling chemicals" means chemical mace or other similar substance composed of a mixture of gas and chemicals which has or is designed to have a disabling effect upon human beings.

**8. Drug abuser.** (5 M.R.S.A. §20003 (10) )

"Drug abusert means a person who uses any drugs, dependency-related drugs, or hallucinogens in violation of any law of the State of Maine.

**9. Drug addict.** (5 M.R.S.A. §20003 (11) )

"Drug addict" means a drug-dependent person who, due to the use of a dependency-related drug has developed such a tolerance thereto that abrupt termination of the use thereof would produce withdrawal symptoms.

**10. Drug-dependent person.** (5 M.R.S.A. §20003 (12) )

"Drug-dependent person" means any person who is unable to function effectively and whose inability to do so causes or results from the use of a dependency-related drug.

**11.. Fish, the verb.** (12 M.R.S.A. §7001 (10) )

To "fish" means to take, catch, kill, molest or destroy, or to attempt to take, catch, kill, molest or destroy any fish.

**12. Firearm.** (17-A M.R.S.A. §2 (12-A) )

"Firearm" means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

**13. Fugitive from justice.** (15 M.R.S.A. §201 (4) )

"Fugitive from justice" means:

A. Any person accused of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release. This definition shall include both a person who was present in the demanding state at the time of the commission of the alleged crime and thereafter left the demanding state and a person who committed an act in this State or in a 3rd state or elsewhere resulting in or constituting a crime in the demanding state; or

B. Any person convicted of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release, who has not served or completed a sentence imposed pursuant to the conviction. This definition shall include, but not be limited to, a person who has been

**released pending appeal or other review of the conviction, the review having been completed; a person who has been serving a sentence in this State; a person who has escaped from confinement in the demanding state; or a person who has broken the terms of his bail, probation or parole.**

14. Hunt. (12 M.R.S.A. §7001 (15) )

To "hunt" means to hunt for, pursue, molest, shoot, catch, take, kill, wound or destroy wild animals and wild birds.

15. **Incapacitated person.** (18-A M.R.S.A. §5-101 (1) )

"Incapacitated person" means 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.

16. **Juvenile crime (offense).** (15 M.R.S.A. §3103)

The term "juvenile crime" means the following offenses:

A. Conduct which, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and 29 not specifically included in paragraphs E and F;

B. The possession of a useable amount of marijuana, as provided in Title 22, section 2383;

C. Offenses involving intoxicating liquor, as provided in Title 28-A, section 2051;

C-1. Offenses involving cigarettes or tobacco products, as provided in Title 22, section 1579 and offenses involving cigarettes as provided in Title 22, section 1629;

D. If a juvenile is adjudicated to have committed an action described in paragraph B, C or C-1 willful refusal to pay a resulting fine or willful violation of the terms of a resulting probation;

E. Offenses involving the operation or attempted operation of a watercraft or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 7801, subsection 9, and section 7827, subsection 9, respectively, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 7406, subsection 15; and

The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29, section 1312-B and offenses defined in Title 29 as Class B or C crimes .

17. **Law enforcement officer.** (17-A M.R.S.A. §2 (17) )

"Law enforcement officer" means any person who by virtue of his public employment is vested by law with a duty to maintain public order, to prosecute offenders, or to make arrests for crimes whether that duty extends to all crimes or is limited to specific crimes, to perform probation functions or to perform intensive supervision functions.

18. **Public proceedings.** (1 M.R.S.A. §402 (2) )

The term "public proceedings" shall mean the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees;

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine system and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Technical College System and any of its committees and subcommittees;

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; and

The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; and

The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees.

**19. Resident person.** (12 M.R.S.A. §7377 (1) & (2) )

A "resident person" for purposes of Title 12, section 7377, subsections 1 and 2 (see 25 M.R.S.A. §2001 (6) ) means a citizen of the United States who has been domiciled in this State continuously during the 3 months next prior to the date on which he applies for any license or permit under chapter 707, or an alien who has been so domiciled for one year. No person may be considered a resident if he has not:

A. If registered to vote, registered in Maine;

B. If licensed to drive a motor vehicle, made application for a Maine motor vehicle operator's license;

C. If owning a motor vehicle or vehicles located within the State, registered each such vehicle in Maine; and

D. Complied with the state income tax laws.

A person who is a full-time student at a Maine college or university, who has resided in Maine continuously for 3 months and has satisfied the requirements of paragraphs A to D shall be rebuttably presumed to have been domiciled in Maine during that period.

**20. Trap, the verb.** (12 M.R.S.A. §7001 (37) )

To "trap" means to set, place or tend any trap within the fields, forests or waters of the State, to kill any animal that is caught in a trap or to aid or assist another person in setting or placing a trap, tending a trap or killing an animal that is caught in a trap.

SUBSTANCE OF SELECT OFFENSES REFERRED TO  
IN 25 M.R.S.A. CHAPTER 252

**1. Possession of firearms prohibited for certain persons. (15 M.R.S.A. §393 (1), (1-A) & (2) )**

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

A. Has been convicted of a crime, under the laws of the United States, this State or any other state, that is punishable by imprisonment for one year or more;

B. Has been convicted of a crime, under the laws of the United States, this State or any other state, that was committed with the use of a dangerous weapon or a firearm against a person, except for a violation of former Title 12, chapter 319, subchapter III; or

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 and bodily injury to another person was threatened or resulted; or

(2) Under paragraph B.

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 the equivalent in a juvenile case, by a court of competent jurisdiction.

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

**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. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252.

**2. Criminal possession of a firearm in an establishment licensed for on-premises consumption of liquor.** (17-A M.R.S.A. §1057)

1. A person is guilty of criminal possession of a firearm if:

A. Not being a law enforcement officer or a private investigator licensed under Title 32, chapter 89 and actually performing as a private investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or

B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive blood-alcohol level, the person possesses a firearm in a licensed establishment.

2. For the purposes of this section, "licensed establishment" means a licensed establishment as defined by Title 28-A, section 2, subsection 15, the license for which is held by an on-premise retail licensee, as defined by Title 28-A, section 2, subsection 27, paragraph B. For the purposes of this section, "premises" has the same meaning as set forth in Title 28-A, section 2, subsection 24.

3. It is not a defense to a prosecution under subsection 1 that the person holds

a permit to carry a concealed firearm issued under **Title 25, chapter 252**.

4. A law enforcement officer who has probable cause to believe that a person has violated subsection 1, paragraph B, may require that person to submit to chemical testing to determine blood-alcohol level or drug concentration. If the court is satisfied that the law enforcement officer had probable cause to believe that the defendant was in violation of subsection 1, paragraph B, and that the person was informed of the requirement to submit to chemical testing, the person's failure to comply with the requirement to submit to chemical testing is admissible evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs.

5. For the purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive blood-alcohol level" has the same meaning as specified in Title 29, section 1312-B, subsection 1. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive blood-alcohol level within the meaning of this section are those applicable pursuant to Title 29, section 1312-B; except that the suspension of a permit to carry concealed firearms issued pursuant to Title 25, chapter 252, or of the authority of a private investigator licensed to carry a concealed firearm pursuant to Title 32, chapter 89, is as provided in those chapters.

6. Criminal possession of a firearm is a Class D crime. In addition, as part of every judgement of conviction and sentence imposed, the court shall:

A. Revoke any permit to carry a concealed firearm issued to the person so convicted; and

B. If the person so convicted is licensed as a private investigator, suspend for a period of 5 years that person's right as a private investigator to carry a concealed firearm.

A person convicted of a violation of this section is not eligible to obtain or apply for a permit to carry a concealed firearm for 5 years from the date of that conviction .

**3. Civil violation of possession of a useable amount of marijuana, butyl nitrite and isobutyl nitrite (22 M.R.S.A. §2383)**

**1. Marijuana.** Possession of a useable amount of marijuana is a civil violation for which a forfeiture of not less than \$200 nor more than \$400 shall be adjudged for the first offense. A forfeiture of \$400 shall be adjudged for the 2nd and subsequent offenses within a 6-year period.

**2. Butyl nitrite and isobutyl nitrite.** Possession of a useable amount of butyl nitrite or isobutyl nitrite is a civil violation for which a forfeiture of not more than \$200 may be adjudged.