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An Act Relating to Locations where Concealed Weapons May Be Carried

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

Sec. 1. 12 MRSA §1803, sub-§7 is enacted to read:

7. Exceptions. Notwithstanding subsection 6 or any other rule-making authority, the bureau may not may adopt rules that prohibit the following persons from carrying a concealed firearm in the buildings or parts of buildings and other public property that are under the bureau's jurisdiction:

A. A person to whom a valid permit to carry a concealed firearm has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;

B. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;

C. An authorized federal, state or local law enforcement officer in the performance of that officer's official duties;

D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in that law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;

E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The 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 firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; and

F. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator.

Sec. 2. 12 MRSA §11212, sub-§1, ¶B, as amended by PL 2005, c. 477, §9, is further amended to read:

B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, ~~except that a person who has a valid Maine permit to carry a concealed weapon~~the following persons may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit:

(1) A person to whom a valid permit to carry a concealed firearm has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;

(2) A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;

(3) An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

(4) A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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;

(5) A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

(a) 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 firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

(b) 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; and

(6) A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator.

Sec. 3. 17-A MRSA §1057, sub-§1, ¶A, as enacted by PL 1989, c. 917, §2, is amended to read:

~~A. Not being a law enforcement officer or a private investigator licensed under Title 32, chapter 89 and actually performing as a private investigator~~Except as provided in subsection 3-A, 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

Sec. 4. 17-A MRSA §1057, sub-§3, as enacted by PL 1989, c. 917, §2, is repealed.

Sec. 5. 17-A MRSA §1057, sub-§3-A is enacted to read:

3-A. Notwithstanding subsection 1, paragraph A, a person may carry a firearm in a licensed establishment only as follows:

A. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;

B. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;

C. When the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

D. When the firearm is a concealed firearm carried by a private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator;

E. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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; or

F. When the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The 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 firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

Sec. 6. 25 MRSA §2001-A, sub-§2, as amended by PL 2007, c. 555, §1, is further amended to read:

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

A. ~~Firearms~~A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in this chapter;

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

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

D. ~~Law~~A firearm carried by a law enforcement officer, a corrections officer and officer or a corrections supervisor as permitted in writing by ~~their~~the officer's or supervisor's employer;

E. ~~Firearms~~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 ~~firearms~~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, except as provided by Title 12, section 11212, subsection 1, paragraph B; and

F. A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with any other states that meet the requirements of this paragraph. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state if:

(1) The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and

(2) The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity regarding a person issued a permit to carry a concealed firearm under this chapter;

G. A firearm carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

H. A firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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;

I. A firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The 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 firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; and

J. A firearm carried by a private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator.

Sec. 7. 25 MRSA §2904, sub-§3 is enacted to read:

3. Exceptions. Notwithstanding subsections 1 and 2, neither the Commissioner of Public Safety nor the officials of governmental units listed in subsection 2 may adopt rules that prohibit the following persons from carrying a concealed firearm in the buildings or parts of buildings and other public property that are under their respective supervisions:

A. A person to whom a valid permit to carry a concealed firearm has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;

B. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;

C. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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;

E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The 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 firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; and

F. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator.

Sec. 8. 26 MRSA §595, sub-§5, as enacted by PL 1987, c. 558, §1, is amended to read:

5. Dangerous weapons prohibited. It is a Class D crime for any person, including, but not limited to, security guards and persons involved in a labor dispute, strike or lockout, to be armed with a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, at a site where applications

for employment with an employer involved in a labor dispute, strike or lockout are being received or where interviews of those job applicants are being conducted or where medical examinations of those job applicants are being performed; except that a firearm may be carried under these circumstances only as follows:

- A. ~~A person holding a valid permit to carry a concealed firearm is not exempt from this subsection.~~
- B. ~~When the firearm is carried by a security guard is exempt from this subsection to the extent that federal laws or rules requiredrequire the security guard to be armed with a dangerous weapon at such a site;~~
- C. ~~A publicWhen the firearm is carried by an authorized federal, state or local law enforcement officer is exempt from this subsection while on active duty in the public service.in the performance of the officer's official duties;~~
- D. ~~When the firearm is carried by a security guard employed by an employer involved in a labor dispute, strike or lockout may be present at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed to the extent permitted under Title 32, chapter 93. Nothing in this section may be construed to extend or limit in any way the restrictions placed upon the location of private security guards under Title 32, chapter 93;~~
- E. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- F. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- G. When the firearm is a concealed firearm carried by a private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator;
- H. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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
- I. When the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The 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 firearm, been tested or

otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; 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 firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

SUMMARY

This bill eliminates the prohibition on certain persons possessing firearms in certain locations, including state parks and historic sites, premises licensed for the consumption of alcohol, state property under the jurisdiction of the Department of Public Safety and the Legislative Council and locations of labor disputes. Specifically, notwithstanding any statutory provisions or rules prohibiting the possession of a firearm, the bill permits the following persons to possess firearms:

1. A person to whom a valid permit to carry a concealed firearm has been issued under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that person's possession the valid permit;
2. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
3. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
4. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The 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;
5. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:
 - A. 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 is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or
 - B. 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

is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm;

6. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator; and

7. A security guard to the extent that federal laws or rules required the security guard to be armed with a dangerous weapon at a labor dispute site or a security guard who is employed by an employer involved in a labor dispute, strike or lockout at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed.

This bill does not eliminate or amend provisions governing the possession of firearms in or on school property or courthouses.