



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 958

H.P. 672

House of Representatives, March 12, 2013

**An Act To Establish a Database To Prevent Individuals
Involuntarily Admitted or Committed to a Mental Health Institution
from Being Issued Concealed Handgun Permits**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARKS of Pittston.

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

2 **Sec. 1. 25 MRSA §1541, sub-§3-A** is enacted to read:

3 **3-A. Database of involuntary admittance or commitment.** The commanding
4 officer shall establish and maintain a database within the State Bureau of Identification of
5 individuals who have been involuntarily admitted or committed to a psychiatric hospital
6 as defined in Title 34-B, section 3801, subsection 7-B:

7 A. Pursuant to an order of the District Court under Title 34-B, section 3864 because
8 the individual was found to present a likelihood of serious harm, as defined under
9 Title 34-B, section 3801, subsection 4-A; or

10 B. On an emergency basis pursuant to Title 34-B, section 3863.

11 The database must be used for the sole purpose of issuing permits to carry concealed
12 handguns pursuant to section 2003.

13 **Sec. 2. 25 MRSA §2003, sub-§5**, as amended by PL 1995, c. 694, Pt. D, §52 and
14 affected by Pt. E, §2 and amended by PL 2005, c. 236, §§3 and 4, is further amended to
15 read:

16 **5. Access to confidential records.** Notwithstanding that certain records retained by
17 governmental entities are by law made confidential, the records pertaining to patient
18 committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and
19 records compiled pursuant to Title 19-A, section 4012, subsection 1 and section 1541,
20 subsection 3-A, that are necessary to the issuing authority's determination of the
21 applicant's good moral character and compliance with the additional requirements of this
22 section and of section 2005 must, at the request of the issuing authority, be made
23 available for inspection by and dissemination to the issuing authority and, in the case of
24 records compiled pursuant to section 1541, subsection 3-A, to the commanding officer.

25 SUMMARY

26 This bill directs the Department of Public Safety, State Bureau of Identification to
27 establish and maintain a database of individuals admitted or committed involuntarily to a
28 mental health institution who present a substantial threat of physical harm to themselves
29 or to others. The database may only be used for the purpose of issuing permits to carry
30 concealed handguns.