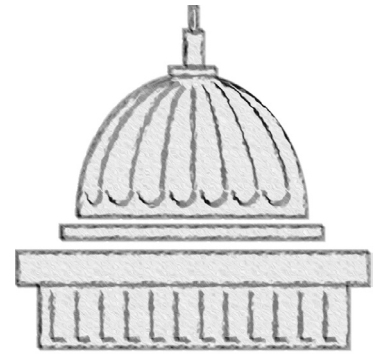


# F. NRA / ILA Firearms Laws for

## MAINE

(As of August, 2006)



Compiled by:  
NRA-Institute for Legislative Action  
11250 Waples Mill Road  
Fairfax, Virginia 22030  
(800) 392-8683  
[www.nraila.org](http://www.nraila.org)

### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

#### POSSESSION

No permit is required to possess a rifle, shotgun, or handgun.

A juvenile convicted of selected non-violent offenses can not own a firearm for three years or until 18 years of age, whichever is longer.

It is unlawful for a person, other than a law enforcement officer or a private investigator, to possess a firearm in a posted liquor establishment. It is unlawful for any person to possess a firearm while under the influence in such an establishment.

#### STATE CONSTITUTIONAL PROVISION

“Every citizen has a right to keep and bear arms and this right shall never be questioned.” Article 1, Section 16.

#### PURCHASE

No state permit is required to purchase a rifle, shotgun, or handgun.

Dealers must keep a record of all firearm sales, rentals or loans. This record shall consist of the make, caliber, and serial number of the firearm and the name and address of the purchaser or recipient. This record shall be open to the inspection of any sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney.

A firearms dealer must include a safety brochure with every firearm sold.

A person is guilty of a criminal offense if he knowingly sells, furnishes, gives away or offers to sell, furnishes, gives away to a child under the age of 16: air rifles, gunpowder, smokeless powder or ammunition for a firearm. It is an affirmative defense that the person was a parent or guardian or any adult approved by a parent or guardian or any adult person approved by a parent or guardian and was for a firearm for use in a supervised manner.

It is unlawful for any person to transfer a handgun to a minor under 18.

Any commercial retail sales outlet that sells firearms must post a conspicuous warning at each purchase counter in block letters not less than one inch in height which reads:

“ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU MAY BE SUBJECT TO FINE, IMPRISONMENT OR BOTH. KEEP FIREARMS AND AMMUNITION SEPARATE. KEEP FIREARMS AND AMMUNITION LOCKED UP. USE TRIGGER LOCKS.”

The same sign must be posted at all entrances to an organized gun show.

#### CARRYING

It is unlawful to carry any firearm concealed about the person without having a concealed carrying permit. This includes carrying in an automobile glove compartment, or other area where the firearm is under the person's control. It is not unlawful to carry a firearm openly.

It is unlawful for a person, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, to have 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 for a law enforcement official in the line of duty. A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit.

The issuing authority for a permit to carry a concealed weapon is 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; or the chief of the state police in case of a resident of unorganized territory or a nonresident. The applicant must be 18 years of age or older, not prohibited from possessing a firearm under state law, and be of good moral character. In judging good moral character the issuing authority shall make its determination based upon evidence recorded by governmental entities within the last 5 years. Matters considered include, but are not limited to:

- recorded incidents of family abuse by the applicant.
- 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.
- Information that the applicant has engaged in reckless or negligent conduct.

- Information that the applicant has been convicted of or adjudicated as having committed drug violations whether as an adult or juvenile.

A person may apply to the Commissioner of Public Safety for a permit to carry a firearm after 5 years from the date that the person is finally discharged from all sentences. A court may overturn arbitrary, capricious or discriminatory denials.

In applying for a concealed carry permit, the applicant must provide name; personal information; physical description; address(es) for the last five years; and history of any issuances, refusals or revocation of any carry licenses. The applicant may be required to provide a photograph, give fingerprints or allow access to mental health records. The applicant must also answer over 30 questions related to:

- Both adult and juvenile criminal history, including for pending charges, convictions, not guilty verdicts by mental disease or defect for a wide variety of crimes including: drugs, weapons, crimes punishable by more than 1 year imprisonment; and threatened bodily injury.
- Restraining orders; fugitive from justice status; drug abuse, drug addiction or drug dependency; dishonorable discharges from military; illegal alien status; and other good moral character issues.
- Mental disorders that cause a danger to self or others; or adjudicated as mentally incapacitated without designation removed.

A permit shall be issued within 30 days for a resident of 5 or more years, otherwise it shall be issued within 60 days. The permit to carry concealed shall be valid for 4 years from the date of issue and valid throughout the state, unless revoked sooner. The fee for an original application is \$35 for a resident, or \$20 for a renewal. Qualified nonresidents may apply to the Chief of the State Police and may be charged a fee of \$60 for either an original or renewal application. 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.

If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs 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 that time by the permit holder to the law enforcement officer.

## ANTIQUES & REPLICAS

The provisions of law on possession, purchase, and carrying apply to antiques and replicas.

## MACHINE GUNS

It is lawful to possess a machine gun that is legally registered and possessed in compliance with all federal laws and regulations.

It is unlawful to hunt with or possess an automatic firearm while hunting.

## MISCELLANEOUS PROVISIONS

State law prevents cities and other localities from enacting laws concerning the regulation of firearms, components, ammunition and supplies, which are not in conformity with state law. A municipality or any political subdivision of the state may not any ordinance, law or rule regulating hunting, fishing and trapping.

A municipality may not commence a civil action against any firearm or ammunition manufacturer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public. This section does not prohibit a municipality from bringing an action against a firearm or ammunition manufacturer or dealer for breach of contract or warranty for firearms or ammunition purchased by a municipality.

A person is guilty of a criminal offense if, with the intent to defraud and to prevent identification, he alters, removes or obscures the manufacturer's serial number or any other distinguishing identification number, mark or symbol upon any firearm.

It is unlawful to discharge a firearm within 100 yards of a residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that dwelling.

It is unlawful to shoot or possess a loaded firearm while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle. This does not apply to disabled hunters in a motor vehicle not in motion, lawful hunting of migratory fowl from a motorboat, and loaded handguns in the possession of Maine concealed carry license holders.

It is unlawful to hunt or possesses for hunting any auto-loading firearm having a magazine capacity of more than 5 cartridges.

It is unlawful to hunt with a silencer, tracer bullets, exploding bullets or to hunt migratory game birds with a shotgun capable of holding more than 3 shells, unless the gun is modified to only allow 3 shells in the magazine and chamber combined

A person under the age of 10 years of age is not eligible for a hunting license.

It is unlawful to allow a junior hunter (under the age of 16) to hunt without that hunter's parent or guardian or a person at least 18 years of age approved by that hunter's parent or guardian who either holds a valid Maine hunting license or has successfully completed an approved hunter safety course. A hunter who is 16 years of age and who is hunting with a junior hunting license must complete a hunter safety course prior to hunting without the adult supervision required by this section.

SOURCES: Maine Code Title 12, Sections 11102, 11208, 11209, 11212, 11214, 13201; Title 15, Sections 455; 455-A; Title 17-A, Sections 1051, 1052, 1057; 2001-2006 2011; 2012

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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