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November 16, 2015

Jonathan R. Fulkerson
Deputy Chief Counsel
Office of the Ohio Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215

RE: Recognition of Permits to Carry Concealed Handguns

Dear Mr. Fulkerson:

This letter will confirm our understanding that valid resident concealed handgun permits issued by Ohio will be recognized by the State of Maine if valid Maine resident permits are recognized by the State of Ohio. The Maine statute does not require a reciprocity agreement. 25 M.R.S. § 2001-A (1)(F); P.L. 2015, ch. 144 (eff. Oct. 15, 2015) (enclosed). The permit holder is required to have the permit in his/her immediate possession while carrying a concealed handgun.

Please contact me at the Office of the Attorney General or Sgt. Michael Johnston at the Maine State Police, Special Investigations Unit, State House Station 164, Augusta, Maine 04333, to report any changes to Ohio law that affect Ohio's recognition of Maine permits.

Please advise Sgt. Johnston of a point of contact that Maine law enforcement can access to determine the validity of a permit issued by Ohio. Maine does not have a central listing of permit holders at this time. The issuing authority identified on the permit itself should be contacted if it is necessary to confirm the validity of a Maine permit.

Please note that as of October 15, 2015, Maine law does not require permits in many circumstances. A person who is not prohibited under state or federal law who is 21 or older (18 if on active duty or honorably discharged from the military) does not need a concealed handgun permit in order to carry

a concealed handgun in many public places. However, permits are still required in some circumstances. A summary of the new law, P.L. 2015, ch. 327, is included with this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Laura Yustak Smith', with a long horizontal line extending to the right.

Laura Yustak Smith
Assistant Attorney General

Lys/l

Enc.: P.L. 2015, ch. 144 and Summary of P.L. 2015, ch. 327

Cc: Sgt. Michael Johnston, MSP (Dept. of Public Safety)

Maine State Police, Special Investigations

164 State House Station

Augusta, ME 04333

Michael.P.Johnston@Maine.Gov

Ph: 624-7212

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FIFTEEN

S.P. 313 - L.D. 868

An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits

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

Sec. 1. 25 MRSA §2001-A, sub-§2, ¶F, as repealed and replaced by PL 2011, c. 691, Pt. A, §24, is repealed and the following enacted in its place:

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;

Sec. 2. 25 MRSA §2003, sub-§11, as amended by PL 2011, c. 298, §7, is further amended to read:

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.

Summary of Public Law 2015, Chapter 327 (127th Legis., LD 652)

Effective October 15, 2015, Public Law 2015, Chapter 327 (LD 652), “An Act To Authorize the Carrying of Concealed Handguns without a Permit,” allows a person who is not otherwise prohibited from possessing a firearm to carry a concealed handgun in the State of Maine without a permit. This law also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle, trailer or other vehicle being hauled by a motor vehicle.

The Maine State Legislature adjourned Thursday, July 16, 2015.

Please be advised that, pursuant to the Constitution of Maine, Article IV, Part Third, Section 16, the general effective date for nonemergency laws passed in the First Regular Session of the 127th Legislature is **Thursday, October 15, 2015.**

It amends statutes in Maine Titles 12 and 25.

Concealed carry without a permit is limited to people who are 21 or older, with the following exception: If a person is 18 years of age or older, and is on active duty in the Armed Forces of the United States or the National Guard, or has been honorably discharged from the Armed Forces or the National Guard, and is not otherwise prohibited from carrying a firearm, the person may carry a concealed handgun. A person who is 18-20 years old and without the referenced military qualifications must have a permit to carry concealed. The law applies to both residents of Maine and non-residents.

The law does not otherwise change where a person may carry or who may possess a firearm. It will still be illegal to possess a firearm in the following places, with some very limited exceptions:

- Courthouses (17-A M.R.S. § 1058)
- State Parks (12 M.R.S. § 1803(6), (7) and Bureau of Parks and Lands Rules Chapter 1)
- Acadia National Park (12 M.R.S. § 756)
- Schools (20-A M.R.S. § 6552)
- Federal buildings (18 U.S.C. § 930)
- State Capitol area (25 M.R.S. § 2904 & DPS Rule Chapter 41)

- Private property when prohibited by the property owner
- Establishments licensed for on-premises consumption of liquor, if the premises are posted. Note that even if there is no posted prohibition, it is illegal to carry on these premises while under the influence of intoxicating liquor or drugs. (17-A M.R.S. §1057)

There will be some circumstances in which an optional handgun permit will authorize the permittee to carry in certain locations or during an activity when an unpermitted person could not:

- Acadia National Park (Maine permit required; 12 M.R.S. §756)
- State Parks (Permit required; open carry not permitted; 12 M.R.S. § 1803(7))
- Regular archery hunting-deer only (Permit required; 12 MRS § 11403)
- Employees' vehicles on work premises (Permit required; vehicle must be locked and firearm must not be visible; 26 M.R.S. §600)

If an individual is carrying a concealed handgun without a permit, he/she has a duty, when coming into contact with any law enforcement officer during a routine stop, detention or arrest, to immediately inform the law enforcement officer that the individual is carrying a concealed handgun.

The law pertains only to handguns, not all weapons. It is important to remember that this law does NOT authorize persons who are prohibited from possessing firearms to carry them. If a person is prohibited from owning or possessing a firearm, this law does nothing to change that prohibition. A person may be prohibited from possessing firearms or ammunition under state law, federal law, or both. Prohibitions include convictions (felony and qualifying misdemeanor crimes of domestic violence); some juvenile adjudications; many protection from abuse orders, dishonorable discharge from the military; immigration status; deferred disposition status; certain mental health adjudications (civil involuntary commitment; finding of not guilty by reason of insanity; finding of not competent to stand trial) and certain probate adjudications. Prohibitions may also be imposed by conditions of bail, probation, and deferred disposition agreements.

Firearms laws are complex. The summary above is necessarily an overview. Persons may wish to contact qualified private counsel and or review the

applicable law if they have questions regarding whether they can legally possess firearms or ammunition. This agency is not authorized to give legal advice. This summary cannot be used as a defense to illegal activity involving firearms or ammunition.

This agency strongly recommends that all persons carrying firearms be familiar with firearms safety and the circumstances under which deadly force may be used.