

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

H.P. 250 - L.D. 345

**An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder
Personal Information**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the lists of all holders of concealed handgun permits in the State, which include personal information of the permit holders such as name, full current address and often date of birth, will revert to being public on April 30, 2013; and

Whereas, the public dissemination of personal information of concealed handgun permit holders may subject a holder to possible identity theft and may put the holder's and the holder's family's well-being at risk; and

Whereas, public access to information about concealed handgun permits that does not include information that personally identifies permit holders is consistent with the underlying principles of the Freedom of Access Act relating to understanding and monitoring how the government carries out its responsibilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2006, as amended by PL 2011, c. 662, §15, is repealed and the following enacted in its place:

§2006. Access to information and proceedings

1. Application, refusals and collected information; proceedings. All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority 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 are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence;
- B. The date the permit was issued; and
- C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

Sec. 2. Statistical information; plan; report. In order to provide meaningful statistical information about concealed handgun permits in this State, the Chief of the State Police shall prepare a plan that meets the requirements of this section. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must include the following elements.

1. Statistical information. The plan must propose a process that results in the availability of statistical information about concealed handgun permits in this State. The information must include at a minimum the following data:

- A. About the permitting process:
 - (1) The number of permit applications;
 - (2) The number of permits issued;
 - (3) The number of applications refused or denied; and
 - (4) The number of suspensions and revocations; and
- B. About applicants and permit holders:
 - (1) Gender;

- (2) Age, in 5-year or 10-year ranges; and
- (3) Municipality or zip code of residence.

The proposal may include any additional data that may be useful in the analysis of concealed handgun permits and the issuing process, as long as personally identifying information about applicants or permit holders is not disclosed as a public record. The plan must include appropriate reporting periods.

2. Permit. The Chief of the State Police shall review the form of the permits used by issuing authorities and determine if a single model permit form would be desirable. The plan may include a model permit, which may include the integration of a photograph. The plan may recommend the use of a model permit as either advisory or mandatory for all issuing authorities.

3. Statewide information. The plan must include a process for identifying and collecting information from all issuing authorities to provide complete statewide statistical information as required in subsection 1. The Chief of the State Police shall invite issuing authorities to provide suggestions and comments. The plan may eliminate the responsibility of municipal issuing authorities to make information available to the public if the identical information is available from a central state source. The plan must provide for the public availability of statistical information and must provide for an annual report of statewide statistical information.

4. Additional information and recommendations. The Chief of the State Police may include in the report any additional information or recommendations that the chief determines may be useful to the Legislature in addressing issues concerning concealed handgun permits.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect April 30, 2013.