

§2005-A. Suspension of permit upon refusal

1. Immediate suspension. If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 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 handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.

[PL 2011, c. 298, §10 (AMD).]

2. Notice to issuing authority. The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

[PL 1989, c. 917, §16 (NEW).]

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

[PL 2021, c. 608, Pt. A, §2 (AMD).]

4. Suspension terminated. If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

[PL 1989, c. 917, §16 (NEW).]

SECTION HISTORY

PL 1989, c. 917, §16 (NEW). PL 1995, c. 65, §A77 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2011, c. 298, §10 (AMD). PL 2021, c. 608, Pt. A, §2 (AMD).

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