§393. Possession of firearms prohibited for certain persons

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A. [PL 2001, c. 549, §2 (RP).]

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of another jurisdiction that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

(4) A crime under the laws of another jurisdiction that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment of one year or more; or

(5) A crime under the laws of this State or another jurisdiction in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon.

Violation of this paragraph is a Class B crime; [PL 2023, c. 491, §1 (AMD).]

B. [PL 2001, c. 549, §2 (RP).]

C. Has been adjudicated in this State or under the laws of another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5).

Violation of this paragraph is a Class C crime; [PL 2021, c. 608, Pt. B, §4 (AMD).]

D. Is subject to an order of a court of this State or another jurisdiction that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

Violation of this paragraph is a Class C crime; [PL 2023, c. 491, §2 (AMD).]

E. Has been:

(1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or

(3) Found not competent to stand trial with respect to a criminal charge.

Violation of this paragraph is a Class C crime; [PL 2023, c. 491, §3 (AMD).]

E-1. Is currently a restricted person pursuant to Title 34-B, section 3862-A, subsection 4 or Title 34-B, section 3862-A, subsection 6, paragraph D or a similar order issued by another jurisdiction, except that the prohibition applies to possession and control and not ownership. A permit issued pursuant to subsection 2 is not a defense to a violation of this paragraph. Violation of this paragraph is a Class D crime; [PL 2023, c. 675, §1 (AMD).]

E-2. Has been ordered to participate in a progressive treatment program pursuant to Title 34-B, section 3873-A and, as part of that order, directed not to possess a dangerous weapon pursuant to Title 34-B, section 3873-A, subsection 7-A for the duration of the treatment program, except that the prohibition applies to possession and control, and not ownership. Violation of this paragraph is a Class D crime; [PL 2019, c. 411, Pt. C, §2 (NEW); PL 2019, c. 411, Pt. D, §3 (AFF).]

E-3. Is currently the subject of an extreme risk protection order issued pursuant to Title 25, section 2244 or an emergency extreme risk protection order issued pursuant to Title 25, section 2245, except that the prohibition applies to possession and control, not ownership. Violation of this paragraph is a Class D crime; [IB 2025, c. 1, §1 (NEW).]

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class C crime; [PL 2023, c. 491, §4 (AMD).]

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Notwithstanding the prohibition under 18 United States Code, Section 922(g)(3), the use, possession or transport of cannabis in accordance with Title 22, chapter 558-C or Title 28-B may not serve as the basis for the prohibition to own, possess or have under a person's control a firearm in this section. Violation of this paragraph is a Class C crime; [PL 2023, c. 381, §1 (AMD); PL 2023, c. 491, §5 (AMD).]

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class C crime; [PL 2023, c. 491, §6 (AMD).]

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class C crime; or [PL 2023, c. 491, §7 (AMD).]

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class C crime. [PL 2023, c. 491, §8 (AMD).]

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not possess a firearm during the deferred disposition period. Violation of this paragraph is a Class C crime.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.
[IB 2025, c. 1, §1 (AMD).]

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.
[PL 2021, c. 608, Pt. B, §6 (AMD).]

1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of another jurisdiction that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Violation of this paragraph is a Class C crime; or [PL 2021, c. 608, Pt. B, §7 (AMD).]

B. Has been adjudicated in this State or under the laws of another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime. [PL 2021, c. 608, Pt. B, §8 (AMD).]

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the charge that gave rise to the prohibition with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after October 15, 2015.
[PL 2021, c. 608, Pt. B, §§7, 8 (AMD).]

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(a)(3).
[PL 2017, c. 475, Pt. A, §21 (RPR).]

3. Contents. An application under subsection 2 must be on a form prepared by the Office of the Governor. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the Governor to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.
[PL 2017, c. 206, §2 (AMD).]

4. Notification, objection and decision. Upon receipt of an application, the Office of the Governor shall determine if the application is in proper form. If the application is proper, the Governor shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The Governor may direct any appropriate investigation to be carried out.

A. If, within 30 days of the sending of notice, a person notified objects in writing to the Governor regarding the initial issuance of a permit and provides the reason for the objection, the Governor may not issue a permit. The reason for the objection must be communicated in writing to the Governor in order for it to be the sole basis for denial. [PL 2017, c. 206, §3 (AMD).]

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the Governor regarding a 2nd or subsequent issuance of a permit, the Governor shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone. [PL 2017, c. 206, §3 (AMD).]

The Governor may deny any application for a permit even if no objection is filed.
[PL 2017, c. 206, §3 (AMD).]

4-A. Application for relief. Except as otherwise provided, a person subject to the federal prohibition against possession of firearms pursuant to 18 United States Code, Section 922(g)(4) as a result of being adjudicated a mental defective may, after the expiration of 5 years from the date of final discharge from commitment, apply to the commissioner for relief from the disability.

Relief is not available under this subsection for a person found not criminally responsible by reason of insanity or incompetent to stand trial in a criminal case or a person adjudged by a Probate Court to lack the capacity to contract or manage the person's own affairs.

A. An application under this subsection must be on a form developed by the commissioner. The application must include the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make and model of the firearm sought to be possessed; reason for the

request; date, place and docket number of commitment; name of institution to which applicant was committed; names of providers that provided mental health treatment for the applicant; date of discharge from commitment; release for all mental health records; and any other information determined by the commissioner to be of assistance. The application must be accompanied by certified or attested copies of the commitment from which the applicant seeks relief and the report of an independent psychologist or psychiatrist licensed to practice in this State specifically addressing the factors set forth in paragraph E. The commissioner may establish a roster of psychologists and psychiatrists qualified and interested in doing these evaluations. The psychologist or psychiatrist must be available for cross-examination. The psychologist or psychiatrist listed on the roster is an employee for the purposes of the Maine Tort Claims Act for evaluations under this paragraph. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

B. The commissioner has the independent authority to establish the following, to be paid by the applicant:

(1) Application fee; and

(2) Fees for evaluations required by paragraph A. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

C. Upon receipt of a completed application, the commissioner shall notify persons who received notice of the commitment pursuant to Title 34-B, section 3864, subsection 3, paragraph A, subparagraph (2) and the district attorney, chief of police and sheriff in the municipality and county where the applicant resides of the filing of the application, with a request to provide to the commissioner any information relevant to the factors in paragraph E. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

D. Upon receipt of a completed application, the commissioner shall review the application and determine whether the person has made a prima facie showing of the elements of paragraph E. If the commissioner determines that the person has made a prima facie showing, the commissioner shall schedule a hearing. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

E. The burden of proof is on the applicant to prove, by clear and convincing evidence, that the circumstances that led to the involuntary commitment to a hospital have changed, that the applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

F. If the commissioner finds by clear and convincing evidence that the circumstances that led to the involuntary commitment have changed, that the applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest, the commissioner may grant relief. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

G. Notwithstanding any other provision of law, and except as indicated in this paragraph, all applications for relief pursuant to this subsection and documents made a part of the application, refusals and any information of record collected by the commissioner during the process of determining whether an applicant qualifies for relief are confidential and may not be made available for public inspection or copying unless:

(1) The applicant waives this confidentiality in writing or on the record of any hearing; or

(2) A court of record so orders. Proceedings relating to the grant or denial of relief are not public proceedings under Title 1, chapter 13.

The commissioner shall make a permanent record, in the form of a summary, of the final decision regarding each application. The summary must include the name of the applicant and indicate

whether the application for relief was granted or denied. The information contained in this summary is available for public inspection. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

H. An applicant may appeal the denial of an application for relief under this subsection within 30 days of receipt of the written notice of decision by filing a complaint in the District Court for de novo review in the district where the Department of Public Safety has its principal office. Hearings are closed unless otherwise agreed to by the applicant. A party aggrieved by a decision of the District Court may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. [PL 2007, c. 670, §9 (NEW); PL 2007, c. 670, §24 (AFF).]

[PL 2011, c. 541, §1 (AMD).]

5. Appeal. Any person to whom a permit under subsection 2 has been denied may file a petition for review pursuant to Title 5, chapter 375, subchapter 7.

[PL 2007, c. 670, §10 (AMD).]

6. Filing fee. The commissioner may establish a reasonable filing fee not to exceed $25 to defray costs of processing applications.

[PL 1977, c. 225, §2 (NEW).]

7. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [PL 2001, c. 549, §4 (NEW).]

B. "Not criminally responsible by reason of insanity" has the same meaning as used in section 103 and any comparable finding under the laws of the United States or any other state. [PL 2005, c. 527, §4 (AMD).]

C. [PL 2021, c. 608, Pt. B, §9 (RP).]

D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A. [PL 2001, c. 549, §4 (NEW).]

E. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee. [PL 2007, c. 670, §11 (NEW).]

F. "Another jurisdiction" has the same meaning as in Title 17-A, section 2, subsection 3-B. [PL 2021, c. 608, Pt. B, §10 (NEW).]

[PL 2021, c. 608, Pt. B, §§9, 10 (AMD).]

8. Penalty.

[PL 2015, c. 470, §4 (RP).]

9. Prima facie evidence. Notwithstanding any other law or rule of evidence, a copy of a court abstract provided by a court to the Department of Public Safety, State Bureau of Identification pursuant to Title 34-B, section 3864, subsection 12, if certified by the custodian of the records of that bureau, or the custodian's designee, is admissible in a criminal prosecution brought pursuant to this section as prima facie evidence that the person identified in the abstract has been involuntarily committed by the court issuing the abstract and has been provided the notice required in Title 34-B, section 3864, subsection 5, paragraph A-1 and Title 34-B, section 3864, subsection 13.

[PL 2007, c. 670, §13 (NEW).]

10. Subpoena power. The commissioner is authorized to issue a subpoena in the name of the commissioner in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this section and is not limited to an adjudicatory hearing. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the commissioner, the Attorney

General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.
[PL 2007, c. 670, §14 (NEW).]

11. Rules. The commissioner may adopt rules to implement the provisions of subsections 2 to 4-A. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2007, c. 670, §15 (NEW).]

SECTION HISTORY

PL 1965, c. 327, §2 (AMD). PL 1977, c. 225, §2 (RPR). PL 1977, c. 564, §§72,73 (AMD). PL 1985, c. 478, §1 (AMD). PL 1989, c. 917, §1 (AMD). PL 1993, c. 368, §1 (AMD). PL 1993, c. 368, §§2,3 (AMD). PL 1997, c. 334, §§1-3 (AMD). PL 1997, c. 462, §1 (AMD). PL 1997, c. 683, §B8 (AMD). PL 2001, c. 549, §§2-5 (AMD). PL 2005, c. 419, §§7-10 (AMD). PL 2005, c. 419, §12 (AFF). PL 2005, c. 527, §§2-5 (AMD). PL 2007, c. 194, §§1-4 (AMD). PL 2007, c. 670, §§4-15 (AMD). PL 2007, c. 670, §24 (AFF). PL 2009, c. 503, §§1, 2 (AMD). PL 2009, c. 651, §1 (AMD). PL 2011, c. 541, §1 (AMD). PL 2013, c. 424, Pt. A, §5 (AMD). PL 2013, c. 519, §1 (AMD). PL 2015, c. 287, §§1-5 (AMD). PL 2015, c. 470, §§1-4 (AMD). PL 2017, c. 206, §§1-3 (AMD). PL 2017, c. 227, §1 (AMD). PL 2017, c. 432, Pt. A, §1 (AMD). PL 2017, c. 475, Pt. A, §21 (AMD). PL 2019, c. 411, Pt. C, §2 (AMD). PL 2019, c. 411, Pt. D, §3 (AFF). PL 2021, c. 608, Pt. B, §§1-10 (AMD). PL 2023, c. 381, §1 (AMD). PL 2023, c. 491, §§1-8 (AMD). PL 2023, c. 675, §1 (AMD). IB 2025, c. 1, §1 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 132nd Maine Legislature and is current through January 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.