

§2002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 478, §2 (NEW).]

1. Corrections officer. "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2.

[PL 2013, c. 147, §3 (AMD).]

1-A. Conviction. "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

[PL 2003, c. 341, §1 (NEW).]

1-B. Corrections supervisor. "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B.

[RR 2005, c. 2, §21 (COR).]

2. Dependency-related drug. "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7.

[PL 1993, c. 524, §1 (AMD).]

3. Drug user. "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10.

[PL 2017, c. 407, Pt. A, §100 (AMD).]

4. Person with substance use disorder. "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A.

[PL 2017, c. 407, Pt. A, §100 (AMD).]

5. Drug-dependent person.

[PL 2017, c. 407, Pt. A, §101 (RP).]

6. Firearm. "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A.

[PL 1985, c. 478, §2 (NEW).]

7. Formal charging instrument. "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense.

[PL 1985, c. 478, §2 (NEW).]

8. Fugitive from justice. "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

[PL 1985, c. 478, §2 (NEW).]

8-A. Handgun. "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand.

[PL 2011, c. 298, §6 (NEW).]

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality with a full-time chief of police:

- (1) Except as otherwise provided in this paragraph, the municipal officers of the municipality;
- (3) The chief of police of the municipality if the municipal officers of the municipality designate the chief as the issuing authority;

(4) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B; or

(5) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B; [PL 2021, c. 619, §1 (AMD).]

A-1. To a legal resident of a municipality without a full-time chief of police:

(1) Except as otherwise provided in this paragraph, the municipal officers of the municipality;

(2) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B;

(3) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B; or

(4) The Chief of the State Police if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-A; [PL 2021, c. 619, §1 (NEW).]

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; [PL 1997, c. 360, §2 (AMD).]

C. To a nonresident:

(1) The Chief of the State Police; and [PL 1997, c. 360, §2 (AMD).]

D. To a professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police. [PL 2011, c. 366, §5 (AMD).]

[PL 2021, c. 619, §1 (AMD).]

10. Law enforcement officer. "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

[PL 1985, c. 478, §2 (NEW).]

10-A. Not criminally responsible by reason of mental disease or defect. "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.

[PL 2003, c. 341, §2 (NEW).]

10-B. Municipal officers. "Municipal officers" means the mayor, municipal officers or councilors of a city; the municipal officers or councilors of a town; or the assessors of a plantation.

[PL 2021, c. 619, §2 (NEW).]

11. Reckless or negligent conduct. "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that the applicant's conduct would cause such a result, engaged in conduct that in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to the applicant, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

[RR 2023, c. 1, Pt. C, §53 (COR).]

12. Bodily injury. "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.

[PL 1993, c. 524, §3 (NEW).]

13. State and state. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

[PL 2003, c. 341, §2 (NEW).]

14. Use of a dangerous weapon. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

[PL 2003, c. 341, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §7 (AMD). PL 1993, c. 524, §§1-3 (AMD). PL 1997, c. 360, §§2,3 (AMD). PL 2003, c. 341, §§1,2 (AMD). RR 2005, c. 2, §21 (COR). PL 2005, c. 488, §8 (AMD). PL 2011, c. 298, §6 (AMD). PL 2011, c. 366, §5 (AMD). PL 2013, c. 147, §3 (AMD). PL 2017, c. 407, Pt. A, §§100, 101 (AMD). PL 2021, c. 619, §§1, 2 (AMD). RR 2023, c. 1, Pt. C, §53 (COR).

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