

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-08-56
JMS - KEN - 6/25/2009

RONALD HARTFORD,
Petitioner

v.

DECISION

MAINE DEPARTMENT OF
PUBLIC SAFETY,
Respondent

Introduction

On January 2008, the petitioner applied to the Commissioner of the Department of Public Safety for a permit to carry a non-concealed firearm by a prohibited person pursuant to Title 15 M.R.S.A. § 393 (Supp. 2008). The petitioner's application was denied and the petitioner filed this pending 80C appeal.

Facts

The petitioner received a permit to carry a non-concealed firearm by a prohibited person in 2000. Under the law, he was required to reapply in 2008. Pursuant to procedures set out in statute, it was necessary for the Department to notify, among others, the Office of the Attorney General, the sentencing or presiding justice, and the District Attorney of the county where the petitioner resided.

Following notice being sent out to these entities, the Commissioner received two objections, one from the Attorney General's Office, and the other from the Chief Justice of the Superior Court. Both parties objected to the petitioner receiving a firearm permit.

Based on this, the Commissioner decided the application explaining, "If, within 30 days of the sending of the notice, any person so notified objects in writing to the issuance of a permit, none shall be issued."

Standard of Review

This appeal is governed by the provisions of Title 15 M.R.S.A. § 393(5) and 5 M.R.S.A. §§ 11001-11008 and M.R. Civ. P. 80. Petitioner bears the burden of demonstrating that there is no competent evidence in the record to support the Commissioner's finding. *Seider v. Bd. of Examiners of Psychologists*, 762 A.2d 551, 555 (Me. 2000).

Discussion

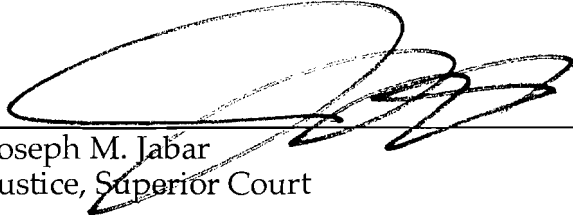
The statute in this area of firearm permits is very clear. Any permit is valid for four years and each renewal is subject to the same considerations as an initial application. There is no provision for renewal based upon a change of circumstances from the initial application.

Furthermore, the case of *Gonzales v. Commissioner, Dep't of Public Safety*, 665 A.2d 681 (Me. 1995) makes it very clear that an applicant does not have a property interest in any permit that he receives. In addition, the Commissioner is mandated to deny an application if one or more of the entities so notified of the petitioner's request objects in writing. In this case, the Attorney General's Office and the Chief Justice of the Superior Court objected.

This case is almost identical to the case of *Gonzales v. Commissioner, Dep't of Public Safety, Id.*

Based on the holding of the *Gonzales* case, the court hereby DENIES the petitioner's 80C appeal and affirms the decision of the Commissioner of Public Safety denying the petitioner's request for a permit for a non-concealed firearm.

Dated: June 26, 2009



Joseph M. Jabar
Justice, Superior Court

Action Petition for Review
80C

J. JABAR

Ronald Hartford vs. **Maine Department of Public Safety**

<p>Plaintiff's Attorney Ronald Hartford, Pro Se 128 Plains Road Leeds, Maine 04263</p>	<p>Defendant's Attorney Lara Nomani AAG 6 State House Station Augusta ME 04333-0006</p>
Date of Entry	

7/23/08	Complaint/Request for Judicial Review/Appeal, filed. s/Hartford, Pro Se Acknowledgement of Receipt of Summons and Complaint, filed. s/Gomane Application of Plaintiff to Proceed Without Payment of Fees, filed. s/Hartford, Pro Se Indigency Affidavit, filed. s/Hartford, Pro Se
7/24/08	ORDER, Mills, J. It is ORDERED that:the filing fee is waived. The applicant is to attempt service by mail with acknowledgement. Copy to party.
08/05/08	Filed 7/28/08: Entry of Appearance for the Department of Public Safety filed by AAG Nomani
1/23/09	Motion to Accept Late Filing of the Administrative Record, filed. s/ s/Nomani, AAG
1/29/09	ORDER, Jabar, J. Granted by agreement of the parties. Copies mailed to atty./party
3/10/09	NOTICE AND BRIEFING SCHEDULE ISSUED. Mailed to party/atty.
4/10/09	Brief, filed. s/Ronald Hartford, Pro Se Acknowledgment of Receipt of Summons and Complaint, filed. s/AAG
5/5/09	Respondent's Brief, filed. s/Nomani, AAG
5/18/09	Petitioner's Reply to Respondent's Brief, filed. s/Hartford, Pro Se
5/27/09	Letter informing the court that the dept. has no objection to request to waive a hearing, filed. s/Nomani, AAG
6/25/09	DECISION, Jabar, J. Based on the holding of the Gonzales case, the court hereby DENIES the petitioner's 80C appeal and affirms the decision of the Commissioner of Public Safety denying the petitioner's request for a permit for a non- concealed firearm. Copies mailed to attys. of record.