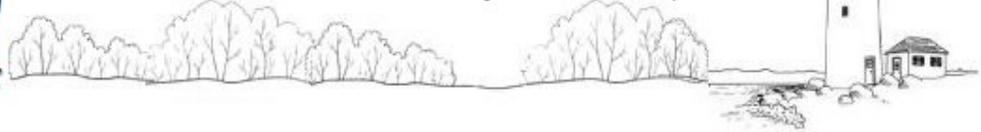




Gun Owners Of Maine, Inc.

Every citizen has a right to keep and bear arms
and this right shall never be questioned.



Concealed Carry, Training & LD 1022

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Laws prohibiting concealed carry are meant “to prevent people from having at hand dangerous weapons of which the public is not aware”, or so courts have said. They date from a time when openly-carried weapons were neither unusual nor restricted, and concealing a weapon was considered a suspicious act; honest folks carried weapons in plain view. Licenses to carry concealed weapons would be issued to those whose character was judged to be sound and honorable and who had a need to carry a concealed weapon. Maine’s first concealed carry license law was enacted in 1917. Here’s what it said:

Chapter 217. [...] Sec. 2. Municipal officers may issue license. The chief of police or city-marshal or in his absence, either of his captains of police of any city or the selectmen of any town, may upon written application issue to any person of good moral character, a certificate setting forth that such person has complied with the requirements of this law and that he has been duly licensed to carry such weapon or weapons. Said license shall continue in effect until revoked by the chief of police or by the selectmen of the town in which said license was issued. [...]

Today, the descendents of these laws live on, even though society’s preference for seeing

weapons has long since reversed -- these days, the public is uncomfortable with weapons in plain view. It’s not uncommon for those who openly carry firearms to find themselves the subject of unwanted attention and the occasional “man with a gun” call to the police.

While the public is clearly much more comfortable with concealed carry than with open carry (if only because out of sight is out of mind), concealed carry licensing laws are still built on the assumption that carrying a concealed weapon is innately deceptive, rather than firmly rooted in cultural preference and personal privacy. Thus, government permission to carry a concealed weapon is extended only to those whom the government can satisfy itself are of satisfactory moral character. And like all good bureaucratic systems, it’s been enhanced, expanded and enlarged many times in its history. Back in 1989, a training requirement was added because... well, just because.

Open carry remains unrestricted in Maine, and anyone not otherwise prohibited from possessing a firearm may lawfully carry a firearm in plain view without any training or screening or government permission. Yet, our law insists that if that same handgun which is carried openly on one’s hip gets covered by a jacket or T-shirt, background checks must be performed, firearms training must be obtained, and of course, fees must be paid to the State. Clearly, the law is very confused.

The current requirement for handgun safety training is minimal, but it serves the only possible legitimate interest the state has for requiring training at all -- to ensure that

persons carrying concealed firearms in public do not constitute a hazard to others. Current training seems to address this quite nicely, as evidenced by the paucity of safety violations among Maine's tens of thousands of concealed carriers. On the other hand, a Maine State Police Lieutenant managed to discharge his firearm during a computer training class in February, and a Washington County Special Deputy left his 9mm Walther pistol in an L.L. Bean restroom last December. So it seems that we concealed carriers are doing something right, even if the professionals seem to have some safety issues.

Now it would appear that some believe that safety training is insufficient. Rep. Peter Johnson of Greenville has introduced LD 1022, An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit. Rep. Johnson's bill would alter the training requirements by requiring:

[...] possession of defensive handgun skills and a knowledge of applicable provisions of this Title and Title 17-A as determined by the issuing authority. For purposes of this subparagraph, "defensive handgun skills" includes using safety procedures when operating a handgun, demonstrating firing a minimum of 50 rounds of ammunition with a handgun and possessing an understanding of the consequences of handgun use in self-defense.

It would be hard to argue that such training is anything but a Very Good Idea for anybody who wants to carry a handgun -- the more training one has, the better. So it's not a question of whether this level of training would be beneficial; *of course* it would be. Instead, it's a question of whether the state has a

legitimate and compelling interest in imposing a greater burden on applicants.

So, what would this bill require applicants to be trained in that the current law doesn't require, and what possible compelling interest would that serve? Let's take a look at each additional requirement.

First, we have "*A knowledge of applicable provisions of this Title and Title 17-A.*" This requires that qualifying training include the information about the concealed carry laws and related laws from the criminal code. However, this information and more is already provided to every applicant in the form of the [Concealed Handguns Booklet](#), as required by 25 MRSA 2003(3). So this provision really adds nothing.

Next, there's "*Using safety procedures when operating a handgun.*" That's covered in the training already required.

Now we come to the meat of it: "*Demonstrating firing a minimum of 50 rounds of ammunition with a handgun.*" This is new; currently, no live fire is required of qualifying training courses, and never has been. Has the lack of live-fire training resulted in any negative consequences in the 96 years we've been issuing concealed carry permits? If so, no one has mentioned it. Does the State have an interest in ensuring a minimum level of marksmanship among concealed carriers? If so, this requirement won't provide it; 50 rounds is hardly enough to develop any level of skill. And, given that the vast majority of defensive handgun uses occur at a range of a few footsteps or less, marksmanship isn't really an issue; this fact underpins the instinctive shooting technique known as "point shooting".

And finally, "*Possessing an understanding of*

the consequences of handgun use in self-defense." Once again, we must ask what negative consequences have flowed from the lack of this requirement over the last century. Have concealed handgun permit holders been using their firearms willy-nilly in self defense, mindless of the consequences? As for what vital State interest would be served, this is a puzzle. There are no consequences of handgun use in self defense which do not also apply equally to self defense with any other potentially deadly weapon, whether it be a baseball bat, kitchen knife, 2x4, or hands and feet, for that matter. Concealed carriers have no greater or lesser duty to understand the applicable law and the consequences than any other citizen. If the State feels they need a reminder, this information could easily be added the Concealed Handguns Booklet mentioned earlier.

But, really, what's the harm in requiring more training? Well, there's quite a lot of harm.

Every additional requirement for a permit creates a barrier for applicants to climb. With every new requirement, more applicants are discouraged and dissuaded from obtaining the permit which is their right. This type of training proposed in this bill requires about double the training hours currently needed. Busy people may have trouble fitting a course of that length into their schedule. A course that's twice as long is also twice as expensive, which could make getting a permit financially out of reach for some. And, given the same number of instructors and the same number of days in a week, longer courses mean fewer courses, making it even harder to obtain the required training.

Requiring this additional formal training also ignores the fact that formal training from professional instructors is not the only way to acquire knowledge and skill. The idea that it is the only way is nothing but vanity,

arrogance, and possibly financial interest on the part of instructors. There are many resources that people can use to learn everything that a professional instructor would teach in the proposed type of course, including experienced shooters among friends and family, books, videos, web resources and more. Developing actual shooting skill is primarily a matter of individual practice, not of instruction; it simply cannot be gained in a few hours with an instructor.

There's also the matter of prior experience. Many applicants already possess all the knowledge and skill envisioned by this bill, but don't have fresh documentation of formal training. As for myself, I have owned and shot guns for over 30 years, and I've held a concealed carry license since 1981. But I don't have any proof of formal training within the last 5 years, as required by law. If I moved to Maine today and wanted to obtain a concealed carry permit, I'd need to take a handgun safety course which would take about half a day, and would teach me nothing that I don't routinely teach new shooters myself. This is annoying enough waste of time and money, but under LD 1022, I'd have to take a course which is twice as long (and might well extend across a couple of days) and twice as expensive.

Finally, let's consider the closest relative in State law to the Concealed Handgun Permit's training requirement: Hunter Safety training, required of anyone wants a firearms hunting license. What does the State of Maine consider sufficient training for hunters, who use firearms that are generally far more powerful than any handgun a concealed carrier might use, with much, much greater lethal range, a far higher (almost certain) likelihood that the firearm will actually be fired, and fired in much more challenging conditions? The mandated curriculum includes two firearms-related topics: Proper

Handling (2 hours), and Rifle and Shotgun (2 hours). That's four hours, total, to cover basic firearms safety and familiarity with two types of firearms. No live fire. None. Zero. Zilch. Nada.

In fact, the firearms-related portion of the standard Hunter Safety course is pretty much indistinguishable from the current concealed carry training requirement, even though the potential (and real) risk for serious or fatal hunting accidents is much greater than the risk from concealed carriers.

The fact is, that firearms training is a good thing, and the more you get, the better. But mandated training, if it is to exist at all, must walk a fine line between the public's right to obtain a permit with a minimum of cost and inconvenience, against whatever limited interest the State may have in ensuring the public's safety. LD 1022 crosses that line and needlessly increases the cost and hassle for citizens without serving any legitimate public interest.

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