

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 169

S. P. 83

In Senate, January 24, 1979

Referred to the Committee on Judiciary. Sent down for concurrence and 2,000 ordered printed.

Presented by Senator Shute of Waldo.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Authorizing the Use of Nondeadly Disabling Chemicals for Self-defense
and for Property Protection in Certain Circumstances.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 17-A MRSA § 104, sub-§§ 6 and 7 are enacted to read:

6. A person in possession or control of premises or a person who is licensed or privileged to be thereon is justified in the use of nondeadly disabling chemicals upon another when and to the extent that he reasonably believes it necessary to prevent an attempt or the actual commission of a criminal act upon those premises.

7. A person in possession or control of a dwelling place or a person who is licensed or privileged to be therein is justified in using nondeadly disabling chemicals upon another:

A. When he reasonably believes it necessary and he reasonably believes that other person is:

- (1) About to use unlawful, deadly force against himself or a 3rd person; or
- (2) Committing or about to commit a kidnapping, robbery or a forcible sex offense against himself or a 3rd person; or

B. When he reasonably believes that nondeadly disabling chemicals are necessary to prevent or terminate the commission of a criminal trespass by that other person, who he reasonably believes:

(1) Has entered or is attempting to enter the dwelling place or has surreptitiously remained within the dwelling place without a license or privilege to do so; and

(2) Is committing or is likely to commit some other crime within the dwelling place.

Sec. 2. 17-A MRSA § 1002, sub-§ 3, as enacted by PL 1975, c. 499, § 1, is amended to read:

3. This section shall not apply to the use of such nondeadly disabling chemicals when said that use is for the purpose of self-defense or property protection in accordance with sections 104 and 105.

STATEMENT OF FACT

This bill justifies the use of disabling chemicals against a person in certain circumstances when the use is necessary for self-defense or property protection.