

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 772**

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H. P. 631

House of Representatives, March 8, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Drinkwater of Belfast.

Cosponsor: Mrs. Hutchings of Lincolnville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT** Relating to the use of Force in Property Offenses.

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

**17-A MRSA § 105**, as enacted by PL 1975, c. 499, § 1, and as amended by PL 1975, c. 740, § 27, is repealed and the following enacted in its place:

**§ 105. Use of force in property offenses**

1. A person is justified in using nondeadly force upon another when and to the extent that he reasonably believes it necessary to prevent what is or reasonably appears to be an unlawful taking of his property, or criminal mischief, or to retake his property immediately following its taking.

2. A person is justified in using deadly force under subsection 1, only if he first demands the person against whom such deadly force is to be used to terminate the criminal act and the other person fails to immediately comply with the demand, unless he reasonably believes that it would be dangerous to himself or another to make the demand.

STATEMENT OF FACT

The purpose of this bill is to assure the property owner the right to protect his property, which is guaranteed him under Art. I of the Maine Constitution.