MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 833

H.P. 615 House of Representatives, March 18, 1987 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative STEVENSON of Unity.
Cosponsored by Representative HICHBORN of LaGrange.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

| 1 2 3 | AN ACT Concerning the Use of Force in Property Offenses. |
|----------------|---|
| 4 5 | Be it enacted by the People of the State of Maine as follows: |
| 6 7 8 | Sec. 1. 17-A MRSA §101, sub-§4, as enacted by PL 1981, c. 324, §24, is repealed and the following enacted in its place: |
| 9 10 | 4. Conduct justifiable under this chapter is not subject to civil action. |
| 11 12 13 | Sec. 2. 17-A MRSA §105, as amended by PL 1975, c. 740, §27, is repealed and the following enacted in its place: |
| 14 | §105. Use of force in property offenses |

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| 1 | A person, or his duly authorized agent acting in |
|---|---|
| 2 | his behalf, is justified in using physical force upon |
| 3 | another when and to the extent that he reasonably be- |
| 4 | lieves it necessary to prevent what is or reasonably |
| 5 | appears to be an unlawful taking of his property or |
| 6 | criminal mischief or to retake his property immedi- |
| 7 | ately following its taking. |

8 STATEMENT OF FACT

9 This bill justifies a person's use of physical 10 force to protect his property as is guaranteed by the 11 Constitution of Maine, Article I, Section 1.

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