

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1560

H.P. 1005

House of Representatives, April 11, 2023

**An Act to Remove the Duty of an Individual Exercising Self-defense
to Safely Retreat or Abstain from Performing Certain Acts upon
Demand**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERKINS of Dover-Foxcroft.
Cosponsored by Senator HARRINGTON of York and
Representatives: ANDREWS of Paris, ARDELL of Monticello, FAULKINGHAM of Winter
Harbor, HYMES of Waldo, NEWMAN of Belgrade, SOBOLESKI of Phillips, WHITE of
Guilford.

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

2 **Sec. 1. 17-A MRSA §108, sub-§2, ¶C**, as amended by PL 2007, c. 173, §24, is
3 further amended by amending subparagraph (3) to read:

4 (3) The person knows that the person or a 3rd person can, with complete safety:

5 ~~(a) Retreat from the encounter, except that the person or the 3rd person is not~~
6 ~~required to retreat if the person or the 3rd person is in the person's dwelling~~
7 ~~place and was not the initial aggressor;~~

8 (b) Surrender property to a person asserting a colorable claim of right thereto;
9 ~~or~~

10 ~~(c) Comply with a demand that the person abstain from performing an act that~~
11 ~~the person is not obliged to perform.~~

12 **SUMMARY**

13 This bill removes the duty of a person exercising self-defense in an encounter to, if the
14 person can do so safely, retreat from the encounter or comply with a demand to abstain
15 from performing an act that the person is not obliged to perform before using deadly force.