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Testimony Neither For or Against:

L.D. 486 - An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand

Good afternoon, Senator Carney, Rep. Kuhn, and members of the Judiciary Committee.

My name is Margaret Groban. I live in South Portland. I recently retired after a 30+ year career as a federal prosecutor in Maine focusing on firearms and domestic violence and the intersection between the two. I served for years on Maine's Domestic Violence Homicide Review Panel. I am adjunct faculty at University of Maine School of Law where I co-teach a class on the Second Amendment and the Regulation of Firearms.

It is my extensive experience with firearm laws that leads me to submit comments on L.D. 486. This proposed legislation would eliminate safeguards under current Maine law to require safe retreat outside the home before the use of deadly force. Currently, it is legal to use deadly force when one "reasonably" believes it necessary and "reasonably" believes that a person is about to use/commit unlawful deadly force, kidnapping, robbery, or gross sexual assault involving compulsion, or protecting oneself or another from bodily injury about to be inflicted by a person who has entered or surreptitiously remained in a dwelling without the right to do so. 17-A M.R.S. § 108(2)(A),(B). Under current law, a person is **not** justified in using deadly force if that person (or the third party being protected) can, **with complete safety**, retreat from an encounter, or refrain from doing some act that he/she is not required to do. 17-A M.R.S. § 108(2)(C)(3)(a),(c). This duty to retreat is not required if a person is in one's own home and is not the initial aggressor. 17-A M.R.S. § 108(2)(C)(3)(a).

LD 486 would eliminate the requirement that a person safely retreat. This would allow Mainers to use deadly force to defend themselves or others instead of retreating safely. There is no indication that the current Maine law is insufficient to protect our communities. In fact, the evidence shows that eliminating the duty to retreat could make our communities less safe.¹ Stand your ground laws are associated with an 8% to 11% increase in both overall homicides and firearm homicides.² And Florida, one of the first states to enact Stand Your Ground laws, has seen that the "stand your ground law was associated with a 32% increase in firearm homicide rates and a 24% increase in overall homicide rates." David K. Humphreys, Antonio Gasparrini, and Douglas J. Wiebe, "Evaluating the Impact of Florida's 'Stand Your Ground' Self-defense

¹ <https://www.nytimes.com/2015/05/04/opinion/stand-your-ground-makes-no-sense.html>

² <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789154>

Law on Homicide and Suicide by Firearm: an Interrupted Time Series Study,” *JAMA Internal Medicine* 177, no. 1 (2017): 44–50.

The measured laws in Maine, providing exceptions to the duty to retreat in serious circumstances before allowing deadly force strike the right balance in allowing Mainers to protect themselves while also protecting our communities and keeping them safe from unwarranted gun violence. Taking a human life should be a last option – not a first one.