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Testimony in OPPOSITION of LD 486, An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand

Committee on Criminal Justice and Public Safety March 17, 2025

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Committee on Criminal Justice and Public Safety,

My name is Madeleine DesFosses and I am testifying on behalf of the Maine Chapter of the American Academy of Pediatrics (Maine AAP), in strong opposition to LD 486, An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand.

The Maine AAP is a membership organization of 300 pediatricians and subspecialists across the state dedicated to protecting the health and safety of Maine children and adolescents. Firearm-related injuries are the leading cause of death for US children and teens, making gun safety and firearm injury prevention a top priority for Maine pediatricians. The passage of LD 486 will do nothing to make our communities safer places for Maine children to grow up, and will only work to erode public safety and lead to more firearm related injuries and fatalities in Maine.

Under current Maine law, people already have the right to defend themselves using force, including deadly force, outside of their homes, so long as there is no clear and safe alternative or way to retreat. This caveat, enshrined in current Maine law, seeks to protect all parties from avoidable, and potentially fatal, violence. In fact, in 79% of the Stand Your Ground cases in Florida, the assailant could have retreated to avoid the confrontation, and in 68% of cases, the person who was killed was unarmed (1).

Across the country, Stand Your Ground laws utterly fail to keep communities safe. In Florida, the Stand Your Ground law has had the largest negative impact on neighborhoods that initially had the lowest homicide rates before the law took effect (2). Maine consistently ranks as one of the safest states in the nation, and young families move to Maine to raise their families because of this reputation. The passage of LD 486 would make Maine more dangerous, not safer, and would promote gun violence even in situations where a clear and safe alternative exists.

In their article, No Silver Bullet: Firearm Laws and Pediatric Death Prevention, authors Lois Lee and Judy Schaechter write, "...there is no single silver-bullet policy that will lead to significant reductions in pediatric gun deaths throughout the pediatric age range. Rather than the effect of 1 law, it is more likely that the synergistic effects of multiple laws targeting different aspects of firearm regulations will be required to substantially decrease firearm fatalities in the United States. Increasingly, there is evidence that stricter gun laws are associated with reductions in gun death. In contrast, some permissive laws, such as Stand Your Ground (removing the duty to retreat and allowing for the use of lethal force when a threat is perceived), may promote gun violence."

To protect the lives of Maine children and adolescents, and to keep our communities safe environments where children can grow and thrive, the Maine AAP urges the committee to vote 'Ought Not to Pass' on LD 486, An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand.

Madeleine DesFosses,
Advocacy and Public Health Manager, Maine AAP

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2. David K. Humphreys, Antonio Gasparrini, and Douglas J. Wiebe, “Evaluating the Impact of Florida’s ‘Stand Your Ground’ Self-defense Law on Homicide and Suicide by Firearm: an Interrupted Time Series Study,” *JAMA Internal Medicine* 177, no. 1 (2017): 44–50.
3. Lois K. Lee, Judy Schaechter; No Silver Bullet: Firearm Laws and Pediatric Death Prevention. *Pediatrics* August 2019; 144 (2): e20191300. 10.1542/peds.2019-1300