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Chairs Beebe-Center and Hasenpus, Members of the Committee, I am a Maine criminal defense attorney, I testify today in opposition to LD 486, a bill that threatens to immunize the casual use of deadly force.

Commonly known as a “Stand Your Ground” or “Shoot First” law, adoption of this draft bill would upset the balance in Maine’s approach to self-defense, injecting everyday life with a new risk of physical peril. Today that self-defense balance protects the public in vital ways.

On the one hand it licenses the use of force by one person against another if necessary to prevent imminent violence against themselves or others. Even deadly force is permissible to counter imminent deadly force.

But the law also imposes constraints. First, it requires the person using force to “reasonably believe” force is necessary to prevent imminent, non-deadly or deadly force upon themselves or another. It also stresses the obligation to withdraw from the encounter if one may do so safely.

By eliminating an individual’s duty to safely withdraw from an encounter if retreat may be safely done, the proposed law replaces a deterrent to aggressive confrontations with an invitation to their escalation. The result will be more injuries, more homicides and greater risk for people engaging in activities whose safety Mainers should be able to take for granted.

Furthermore, danger to public safety will be heightened by the omission from this section of the law of any requirement that the user of force “reasonably believe” that a risk of serious bodily harm or death is imminent.

Once persons are freed of the duty to safely retreat, and potentially also the obligation to “reasonably believe” danger is imminent, a wide range of innocent daily activity will be newly exposed to grave peril.

We don’t normally think of UPS drivers, girls selling girl scout cookies, high school athletes fund-raising money for team trips, canvassers during political campaigns, meter-readers, or volunteers of all kinds, as people on the frontlines of danger. Yet they would be.

While canvassing during the governor's race in 2022 I greeted and approached a man on his front lawn. He quickly became irate and drew a weapon from his waistband. If Maine had a stand your ground law at the time that gentleman may have believed he was covered by the law and fired his weapon, even if his belief in danger was unreasonable. Indeed, under the proposed law the district attorney could not argue that the shooter had the option to safely withdraw.

Proponents of bringing "stand your ground" to Maine say it would make Maine safer. The evidence ("The Effects of Stand Your Ground Laws," Rand, July 2024) strongly shows the opposite has happened elsewhere. Maine is already the safest state in the U.S. (FBI, 2022), a law that reduces deterrence to violence would make it less safe.