

CLAC MEMORANDUM/TESTIMONY NFNA LD 525

An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances

TO: Senator Joseph Rafferty
Representative Kelly Murphy

Joint Standing Committee on Education and Cultural Affairs
FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: LD 525, An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances

DA: May 7, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 525.

CLAC recommends that if the Legislature chooses to create such an exception, it should be drafted in the form of a defense. For example, “It is a defense to a violation of this section premised on discharge of a firearm that the person was acting pursuant to Title 17-A, section 104, subsection 3.”

See, generally, 17-A M.R.S. § 101, General rules for defenses and affirmative defenses; justification.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature’s Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court’s Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.