

Peggy McGehee
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Good afternoon, Chairs Beebe-Center and Salisbury and Members of the Criminal Justice and Public Safety Committee:

I am Peggy McGehee, a resident of the Town of Falmouth. I speak in opposition to L.D. 551, that allows a resident living closer than 500 feet to a school property to shoot a gun, for the general purposes of, as the bill states, "*self-defense*" or "*to protect the person's residence.*"

The bill is overbroad and would create a "stand your ground" law within the 500 foot area, when no other Mainer has such a right, but has a "duty to retreat" first. Thus, this bill gives residents on private property located within 500 ft. of schools a broader right to shoot intruders than the right of other Maine residents on any other property.

Under Maine's current statute, 17-A M.R.S.A. §108(2)(C)(3)(a), you can use deadly force to protect yourself against an attacker when he is inside, or is breaking into, your home. However, if you are outside of your home, you are *not* justified in using defensive deadly force if you can -- "*with complete safety*"--retreat. This is called a "duty to retreat"—and that duty to retreat language that is in Maine's Section 108 statute is missing from this bill.

Rather, the bill's broad, undefined language raises the question whether a resident living near a school could shoot to "protect" her residence if kids were egging her house on Halloween; or could shoot "in self-defense" if someone threw a shoe at her while she was raking her front yard.

As the terms "*protect the person's residence,*" and "*in self defense,*" as used in the bill, are not defined, they are open to broad interpretation, and misinterpretation, and risk irresponsible and accidental shootings.

Guns have effective ranges that can go deep into school properties from abutting and nearby residential properties. For example, a 9 mm pistol typically has an effective range of 150 feet but is still lethal up to 450 feet. The effective range, and lethal effect, of rifles and semi-automatics is much further. A stray bullet can thus injure or kill unintended victims on school grounds.

Finally this bill cannot be lawfully enacted as it conflicts with the federal 1000 ft. gun free school zone, under the U.S. Gun-Free School Zones Act of 1990, as the federal statute only exempts police and individuals with state-issued concealed-carry permits. 18 U.S.C. 922(q)(2)(B)(ii). As L.D. 551 allows abutter residents *without* a permit to discharge a firearm, it is contrary to the federal statute and accordingly unlawful.

Please vote ought not to pass on this bill, L.D. 551.

Thank you for your consideration of this testimony.

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