

§107-A. Physical force in corrections

1. A corrections officer, corrections supervisor, transport officer, law enforcement officer or another individual responsible for the custody, care, treatment or transport of persons in custody pursuant to an order of a court or as a result of arrest is justified in using a reasonable degree of nondeadly force:

A. When and to the extent the individual reasonably believes it necessary to prevent an escape from custody or to enforce a rule of the Department of Corrections or a jail; or [PL 2025, c. 429, §5 (NEW).]

B. In self-defense or to defend a 3rd person from what the individual reasonably believes to be the imminent use of unlawful nondeadly force encountered while seeking to prevent an escape or enforce a rule as described in paragraph A. [PL 2025, c. 429, §5 (NEW).]

[PL 2025, c. 429, §5 (NEW).]

2. A corrections officer, corrections supervisor, transport officer or law enforcement officer responsible for the custody, care, treatment or transport of persons in custody pursuant to an order of a court or as a result of arrest is justified in using deadly force when the officer or supervisor reasonably believes such force is necessary:

A. For self-defense or to defend a 3rd person from what the officer or supervisor reasonably believes is the imminent use of unlawful deadly force; or [PL 2025, c. 429, §5 (NEW).]

B. To prevent an escape from custody when the officer or supervisor reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and:

(1) The officer or supervisor has made reasonable efforts to advise the person that the officer or supervisor is attempting to prevent the escape from custody and the officer or supervisor reasonably believes that the person is aware of this advice; or

(2) The officer or supervisor reasonably believes that the person in custody otherwise knows the officer or supervisor is attempting to prevent the escape from custody. [PL 2025, c. 429, §5 (NEW).]

For the purposes of this subsection, "a reasonable belief that another person has committed a crime involving use or threatened use of deadly force" is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape.

[PL 2025, c. 429, §5 (NEW).]

3. A corrections officer, corrections supervisor, transport officer or law enforcement officer is justified in using deadly force against a person in the custody of the Maine State Prison or in the custody of an officer or supervisor of the Maine State Prison when the officer or supervisor reasonably believes that deadly force is necessary to prevent an escape from custody by that person. The officer or supervisor shall make reasonable efforts to advise the person that, if the attempt to escape does not stop immediately, deadly force will be used. This subsection does not authorize any corrections officer, corrections supervisor, transport officer or law enforcement officer who is not employed by a state agency to use deadly force.

[PL 2025, c. 429, §5 (NEW).]

4. A private person who has been directed by a corrections officer, corrections supervisor, transport officer or law enforcement officer who is responsible for the custody, care, treatment or

transport of persons in custody pursuant to an order of a court or as a result of arrest to assist the officer or supervisor in preventing an escape from custody is justified in using:

A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the officer's or supervisor's direction, unless the private person reasonably believes the order is illegal; or [PL 2025, c. 429, §5 (NEW).]

B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the officer or supervisor directs the private person to use deadly force and the private person reasonably believes the officer or supervisor is authorized to use deadly force under the circumstances. [PL 2025, c. 429, §5 (NEW).]

[PL 2025, c. 429, §5 (NEW).]

5. Notwithstanding any provision of this section to the contrary, a corrections officer or corrections supervisor is not justified in using nondeadly or deadly force, or in directing a private person in the use of such force, in accordance with this section unless the corrections officer or corrections supervisor has received in-service training pursuant to Title 25, section 2804-F, subsection 5 in the use of such force, or in directing a private person to use such force, in the setting in which the force is to be used. [PL 2025, c. 429, §5 (NEW).]

SECTION HISTORY

PL 2025, c. 429, §5 (NEW).

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