

- VEST FIRST RESPONDER -

HELP FOR HEROES

MAINE

Self-Defense Law Reference Guide

*Duty to Retreat in Public | Castle Doctrine (Dwelling Only) | Self-Defense | First Responder Protections |
Police Use of Force*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

IMPORTANT: MAINE HAS A DUTY TO RETREAT IN PUBLIC

Maine is NOT a Stand Your Ground state. Outside of the dwelling, Maine law requires retreat before using deadly force when retreat can be accomplished with complete safety. Maine's Castle Doctrine applies only to the dwelling - NOT to vehicles, workplaces, or other locations. This makes Maine's Castle Doctrine one of the narrowest in this series. Non-deadly force does not require retreat. VEST trainers must clearly explain these distinctions for Maine curriculum.

Maine's self-defense laws are codified in Title 17-A (Maine Criminal Code), Section 108. Maine is a duty-to-retreat state in public but follows the Castle Doctrine for the dwelling. Maine's approach uses the 'complete safety' retreat standard - retreat is only required when it can be accomplished with complete safety. Non-deadly force is treated differently: no duty to retreat applies before using non-deadly force.

STATUTE	SUBJECT MATTER
17-A M.R.S. S. 108(1)	Use of Physical Force in Defense of Self - Non-Deadly Force Standard
17-A M.R.S. S. 108(2)(A)	Deadly Force - Justification
17-A M.R.S. S. 108(2)(C)(3)	Duty to Retreat - Complete Safety Standard
17-A M.R.S. S. 108(2)(C)(3)(a)	Castle Doctrine - No Retreat Required in Dwelling
17-A M.R.S. S. 104	Use of Force in Defense of Premises
17-A M.R.S. S. 107	Physical Force in Law Enforcement
17-A M.R.S. S. 752-A	Assault on Officer/EMS/Fire - Enhanced Penalty
Maine POST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE MAINE SELF-DEFENSE STATUTORY FRAMEWORK

17-A M.R.S. S. 108 - Physical Force in Defense of a Person

"A person is justified in using a reasonable degree of nondeadly force upon another person in order to defend the person or a 3rd person from what the person reasonably believes to be the imminent use of unlawful nondeadly force by such other person... A person is justified in using deadly force upon another person when the person reasonably believes that... deadly force is necessary to protect the person or a 3rd person from death or serious bodily injury." - 17-A M.R.S. S. 108(1), (2)(A)

Maine's self-defense standard requires a reasonable belief that force was necessary - evaluated objectively. Non-deadly force requires only that the force be 'reasonable' given the circumstances. Deadly force requires a reasonable belief that death or serious bodily injury was imminent AND that deadly force was necessary to prevent it.

17-A M.R.S. S. 108(2)(C) - Duty to Retreat (Deadly Force)

"A person is not justified in using deadly force as provided in paragraph A if... (3) The person knows that the person or a 3rd person can, with complete safety: (a) Retreat from the encounter, except that the person or the 3rd person is not required to retreat if the person or the 3rd person is in the person's dwelling place and was not the initial aggressor..." - 17-A M.R.S. S. 108(2)(C)(3)(a)

Maine's duty to retreat for deadly force requires retreat ONLY when it can be accomplished with COMPLETE SAFETY. This is the same 'complete safety' standard used by Nebraska, Alaska, Connecticut, Delaware, and Hawaii. If retreat cannot be done with complete safety - if retreating would expose the defender to any risk - the duty does not apply.

CRITICAL DISTINCTIONS IN MAINE'S FRAMEWORK:

- NON-DEADLY FORCE: No duty to retreat. Maine providers may use non-deadly defensive force without any retreat obligation.
- DEADLY FORCE in public: Duty to retreat if it can be done with COMPLETE SAFETY.
- DEADLY FORCE in dwelling: No duty to retreat - Castle Doctrine applies.
- DEADLY FORCE in vehicle/workplace: No specific statutory exception - retreat obligation may apply if safe retreat is available.

CRITICAL LIMITATION FOR FIRST RESPONDERS:

Maine's Castle Doctrine applies ONLY to the dwelling - it does NOT extend to vehicles, workplaces, or other locations. This is narrower than Kansas, Kentucky, Iowa, and Louisiana (which cover vehicles and workplaces) and narrower than Connecticut, Delaware, and Hawaii (which cover workplaces). A Maine EMS provider attacked inside their ambulance or at their station in public does NOT have a specific statutory no-retreat exception - retreat is required if it can be done with complete safety. VEST trainers must address this important distinction explicitly in Maine curriculum.

17-A M.R.S. S. 104 - Use of Force in Defense of Premises

Maine's premises defense statute authorizes reasonable force to prevent unlawful intrusion into premises a person controls. Deadly force is authorized to prevent an unlawful intrusion when the person believes it is necessary to prevent a crime likely to cause death or serious bodily injury within the premises, or to stop someone attempting to commit arson, burglary, kidnapping, or robbery. This statute provides some protection for station defense even without a specific workplace Castle Doctrine extension.

PART II: DUTY TO RETREAT - MAINE'S POSITION

CRITICAL: MAINE HAS A DUTY TO RETREAT FOR DEADLY FORCE OUTSIDE THE DWELLING

In public spaces - including most EMS scenes outside of a patient's home - Maine law requires retreat before using deadly force when retreat can be accomplished with complete safety. The 'complete safety' standard is key: any risk in retreating eliminates the obligation. But Maine providers must understand this requirement for public-space deadly-force incidents.

- NON-DEADLY FORCE: No duty to retreat - this is an important protection for lower-level defensive responses.
- DEADLY FORCE in PUBLIC: Retreat required if it can be done with complete safety.

- DEADLY FORCE in DWELLING: No retreat required - Castle Doctrine (17-A M.R.S. S. 108(2)(C)(3)(a)).
- Complete safety standard: if ANY risk exists in retreating, the duty does not apply.
- Speed of attack: a rapid or sudden attack that leaves no time for safe retreat satisfies the 'immediately necessary' standard.
- Note: Multiple legislative proposals (e.g., HP0390, LD 533) have sought to eliminate Maine's duty to retreat. As of this document's preparation, the duty to retreat for deadly force in public remains intact.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

A Maine EMS provider attacked in the interior of a patient's dwelling has NO duty to retreat - Castle Doctrine applies. A Maine EMS provider attacked in public - at a roadway scene, in their ambulance in a parking lot, or at a hospital entrance - operates under the complete-safety retreat standard for deadly force. For non-deadly force, no retreat is required at any location. VEST Level I situational awareness training - documenting why safe retreat was not available - is especially important for Maine public-space deadly-force incidents.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

17-A M.R.S. S. 752-A - Assault on Officer, EMS Provider, or Firefighter

Maine's assault statute provides enhanced penalties when the victim is a law enforcement officer, firefighter, or emergency medical services provider engaged in official duties. Assault under Maine law (intentionally, knowingly, or recklessly causing bodily injury) is elevated from a Class D crime (misdemeanor) to a Class C crime (felony, up to 5 years) when the victim is an on-duty first responder. The attacker must know or reasonably should know the victim's protected status - satisfied by uniform, marked vehicle, or any visible identification.

- Class D to Class C elevation - converts misdemeanor to felony when victim is on-duty first responder.
- Covers law enforcement officers, firefighters, and emergency medical services providers.
- 'Engaged in official duties' - satisfied when the provider is in uniform or operating a marked vehicle.

TRAINER EMPHASIS:

Maine's first-responder assault enhancement converts what would be a Class D misdemeanor into a Class C felony - up to 5 years imprisonment. Even relatively minor physical attacks on on-duty Maine EMS and fire providers carry felony-level exposure. Uniform discipline and marked apparatus operation satisfy the 'knows or should know' element.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Maine does NOT have a statewide statutory chokehold ban comparable to Minnesota, California, Colorado, or Delaware. Police neck restraint policy is governed by the Maine Criminal Justice Academy (MCJA) and individual agency use-of-force policies.

- NO statewide statutory chokehold or carotid restraint ban as of 2024-2025.
- MCJA training standards classify neck restraints as high-risk techniques subject to the deadly force justification standard.
- Individual agencies may adopt more restrictive policies; many Maine departments have administratively prohibited chokeholds.

- Maine's duty-to-retreat framework creates a de-escalation culture that influences how use-of-force decisions are evaluated.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Maine's law enforcement use-of-force standards do not apply to civilian first responders in personal self-defense. A Maine EMS provider or firefighter using a defensive technique in lawful self-defense is evaluated under the civilian 17-A M.R.S. S. 108 framework. There is no statutory restriction on civilian Maine first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER MAINE LAW

1. Non-Deadly Force Has No Retreat Requirement - Use This Knowledge

Maine's duty to retreat applies only to DEADLY force in public. Non-deadly defensive responses - de-escalation holds, defensive blocks, non-lethal control techniques - have no retreat requirement in Maine. VEST Level I and II physical skills training addresses non-deadly force options that are legally unrestricted by the duty-to-retreat framework, giving Maine first responders meaningful defensive options without the retreat threshold.

2. Situational Awareness Is Your Legal Foundation for Deadly Force

Because Maine requires retreat for deadly force in public when safe to do so, VEST Level I situational awareness training is critically important. Document all pre-incident threat indicators, all verbal de-escalation attempts, all factors that made safe retreat unavailable. Every pre-incident observation is a legal asset in a Maine public-space deadly-force incident.

3. Your Patient's Home Is Protected Space

When EMS treats patients inside a dwelling, Maine's Castle Doctrine (17-A M.R.S. S. 108(2)(C)(3)(a)) applies - no duty to retreat before using deadly force against an unlawful aggressor within that space. VEST Level I indoor scene safety training prepares providers to recognize and respond to threats inside patient residences where Castle Doctrine protections are available.

4. Station Defense May Use Premises Defense Authority

17-A M.R.S. S. 104's premises defense statute authorizes force to prevent crimes likely to cause death or serious bodily injury within premises a person controls. A fire station or EMS base may qualify as controlled premises, giving providers authority to use defensive force to stop an intruder attempting to commit such crimes - even without a specific workplace Castle Doctrine provision.

5. De-Escalation Is Legally Required and Professionally Essential

Maine's public-space duty-to-retreat standard means de-escalation attempts are legally relevant - demonstrating that force became necessary only after alternatives were exhausted AND that safe retreat was not available. VEST Level I curriculum is the evidentiary foundation for any Maine deadly-force claim in a public space.

6. Partner Defense - Retreat Relaxed When Third Person Cannot Safely Retreat

Maine's defense-of-others provisions parallel the retreat standard, but the retreat obligation is evaluated based on the specific circumstances of the third person's ability to retreat safely. VEST Level III partner defense training is

directly supported by these provisions.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Maine Revised Statutes Title 17-A are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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