Use of Deadly Force: Defending Your Home Against Arson

Maine and New Hampshire Law

Maine and New Hampshire both have statutes that specifically address the use of force in defense of premises when someone attempts to commit arson. However, the legal requirements and circumstances still matter when determining whether deadly force is justified.

1. Maine Law

Under **Maine Revised Statutes, Title 17-A, § 104(2)**, a person in possession or control of premises, or someone legally entitled to be there, is justified in using deadly force against another person when and to the extent that the person reasonably believes it necessary to prevent an attempt by that person to commit arson.

Maine law also addresses deadly force in defense of a dwelling under certain circumstances involving unlawful entry and other crimes, subject to additional statutory requirements.

Important distinctions:

- **An active attempt to set your house on fire:** Section 104(2) specifically addresses deadly force when a person reasonably believes it necessary to prevent an attempt to commit arson.
- **A fire that has already been set:** Whether force remains justified depends on the circumstances, including whether the arson attempt is continuing and whether the statutory requirements are met.
- **Someone fleeing after setting a fire:** Deadly force is not automatically justified simply to stop someone from escaping or to punish them for the crime.
- **An immediate threat to human life:** Maine's separate law on defense of a person, § 108, addresses circumstances in which deadly force may be justified to protect yourself or another person.

Official sources:

- Use of Force in Defense of Premises, Title 17-A, § 104: https://www.mainelegislature.org/legis/statutes/17-a/title17-Asec104.html
- Physical Force in Defense of a Person, Title 17-A, § 108: https://legislature.maine.gov/statutes/17-A/title17-Asec108.pdf

- Arson, Title 17-A, § 802: https://web.legislature.maine.gov/legis/statutes/17-A/title17-Asec802.html

2. New Hampshire Law

Under **New Hampshire Revised Statutes Annotated (RSA) 627:7**, a person in possession or control of premises, or someone legally entitled to be there, may use non-deadly force when and to the extent that the person reasonably believes it necessary to prevent or terminate a criminal trespass.

The statute also expressly provides that deadly force may be used in defense of premises when the person reasonably believes it necessary to prevent an attempt by the trespasser to commit arson. Deadly force may also be justified in the circumstances permitted by New Hampshire's separate law on defense of a person, RSA 627:4.

Important distinctions:

- **An active attempt to set your house on fire:** RSA 627:7 specifically addresses deadly force when a person reasonably believes it necessary to prevent an attempt by a trespasser to commit arson.
- **A fire that has already been set:** Whether force is justified depends on the facts and whether the statutory requirements are satisfied.
- **Someone fleeing after setting a fire:** The statute does not create a general right to use deadly force to punish an offender or prevent escape.
- **An immediate threat to human life:** RSA 627:4 addresses the circumstances in which deadly force may be justified in defense of yourself or another person.

Official sources:

- Use of Force in Defense of Premises, RSA 627:7: https://gc.nh.gov/rsa/html/LXII/627/627-7.htm
- Physical Force in Defense of a Person, RSA 627:4: https://gc.nh.gov/rsa/html/LXII/627/627-4.htm
- New Hampshire Criminal Code, Chapter 627: https://gc.nh.gov/rsa/html/LXII/627/627-mrg.htm

3. Conclusion

Both Maine and New Hampshire expressly recognize circumstances in which deadly force may be justified to prevent an attempt to commit arson. These provisions are specific legal justifications, not blanket authorizations to shoot anyone who damages property, participates in a protest, or has committed a crime.

The lawfulness of using deadly force depends on the applicable statute and the particular circumstances. A person's participation in a protest does not, by itself, determine whether force is justified.

If someone is setting your home on fire, prioritize getting yourself and anyone else to safety and calling 911. For advice about a particular situation, consult a qualified attorney licensed in the applicable state.