

MAINE STATE LEGISLATURE

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L.D. 1572

Date: 3-17-16

(Filing No. S-405)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 620, L.D. 1572, Bill, "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing"

Amend the bill by striking out the title and substituting the following:

'An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing'

Amend the bill in section 1 in §6030-F in subsection 1 by striking out all of paragraph B (page 1, lines 7 and 8 in L.D.)

Amend the bill in section 1 in §6030-F in subsection 1 by inserting at the end a new paragraph to read:

'D. "Subsidized apartment" means a rental unit for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States Department of Agriculture under the multifamily housing rental assistance program under Title V of the federal Housing Act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States Department of Housing and Urban Development under the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program under Section 8 of the United States Housing Act of 1937. "Subsidized apartment" does not include owner-occupied housing accommodations of 4 units or fewer.'

Amend the bill in section 1 in §6030-F in subsection 1 by relettering any nonconsecutive paragraph to read consecutively.

Amend the bill in section 1 in §6030-F by striking out all of subsection 2 (page 1, lines 12 to 17 in L.D.) and inserting the following:

2. Prohibition or restriction on firearms prohibited. A rental agreement for a subsidized apartment may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use or possession of a firearm, a firearm component or ammunition within the tenant's

COMMITTEE AMENDMENT

1 specific rental unit. A landlord may impose reasonable restrictions related to the
 2 possession, use or transport of a firearm, a firearm component or ammunition within
 3 common areas as long as those restrictions do not circumvent the purpose of this
 4 subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm
 5 component or ammunition.'

6 Amend the bill in section 1 in §6030-F by striking out all of subsection 4 (page 1,
 7 lines 22 to 26 in L.D.) and inserting the following:

8 **4. Immunity.** Except in cases of willful, reckless or gross negligence, a landlord is
 9 not liable in a civil action for personal injury, death, property damage or other damages
 10 resulting from or arising out of an occurrence involving a firearm, a firearm component
 11 or ammunition that the landlord is required to allow on the property under this section.'

12 Amend the bill in section 1 in §6030-F in subsection 5 in the 2nd line (page 1, line 28
 13 in L.D.) by striking out the following: "federal law" and inserting the following: 'federal
 14 or state law, rule'

15 SUMMARY

16 This amendment does the following.

17 1. It restricts the application of the bill to a rental unit for which the landlord receives
 18 federal rent subsidies under the multifamily housing rental assistance program, the
 19 housing choice voucher program, the new construction program, the substantial
 20 rehabilitation program or the moderate rehabilitation program. The ability of tenants in
 21 public housing owned and operated by the State to possess a firearm is addressed by a
 22 1995 Supreme Judicial Court decision.

23 2. It limits the bill's prohibition on firearm restrictions to the tenant's specific rental
 24 unit and allows a landlord to impose reasonable restrictions related to the possession, use
 25 or transport of a firearm within common areas as long as those restrictions do not
 26 circumvent the use or possession of a firearm in the tenant's rental unit.

27 3. It modifies the landlord immunity provision to cover civil liability that may arise
 28 from any firearm, legally or illegally possessed, that the landlord is required to allow on
 29 the property under the bill. The bill limits the landlord's immunity to cases in which the
 30 firearm was lawfully owned by the tenant.

31 4. It provides that the landlord immunity provision does not cover willfully,
 32 recklessly or grossly negligent acts by the landlord. The bill exempts the landlord from
 33 immunity only when that landlord is grossly negligent.

34 5. It exempts an owner-occupied housing accommodation of 4 units or fewer from
 35 the bill's prohibition on firearm restrictions.

36 FISCAL NOTE REQUIRED

37 (See attached)



127th MAINE LEGISLATURE

LD 1572

LR 2539(02)

An Act To Ensure Nondiscrimination against Gun Owners in Public Housing

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-405)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.