

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1469

H.P. 1008

House of Representatives, April 18, 2017

An Act Relating to Firearms Exclusions in Certain Locations

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Representative WARD of Dedham, Senator BRAKEY of Androscoggin and
Representatives: CEBRA of Naples, O'CONNOR of Berwick, SKOLFIELD of Weld,
STETKIS of Canaan, SUTTON of Warren, WOOD of Greene, Senator: DAVIS of Piscataquis.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §2014** is enacted to read:

3 **§2014. Assumption of responsibility if firearms prohibited**

4 **1. Assumption of responsibility.** A person that prohibits the possession of firearms
5 on property by an individual otherwise authorized to carry a firearm thereby assumes
6 absolute custodial responsibility for the safety and defense of the individual prohibited
7 from possessing a firearm while that individual is on that property and while that
8 individual is on any property that individual is required to traverse in order to travel to
9 and from the location where that individual's firearm is stored.

10 **2. Scope of responsibility.** The responsibility under subsection 1 of the person that
11 prohibits the possession of firearms on property for the safety and defense of the
12 individual prohibited from possessing a firearm extends to artificial and natural hazards
13 that are able to be defended against, to the conduct of other invitees, trespassers and
14 employees of the person and to vicious animals and wild animals.

15 **3. Liability.** The following provisions govern liability of persons responsible under
16 subsection 1.

17 A. An individual prohibited from possessing a firearm who is otherwise authorized
18 to carry a firearm and who is injured, suffers bodily injury or death or incurs
19 economic loss or expense, property damage or any other compensable loss as the
20 result of conduct occurring on property on which the possessing of a firearm is
21 prohibited has a cause of action against the person that prohibits the possession of
22 firearms on that property. In addition to damages, the individual is entitled to
23 reasonable attorney's fees, expert witness costs and other costs necessary to bring the
24 cause of action.

25 B. The statute of limitations for a cause of action under paragraph A is 2 years from
26 the date of the occurrence giving rise to the damages, loss or injury.

27 **4. Requirements to prevail in action.** To prevail in an action brought under this
28 section, the plaintiff must show by a preponderance of the evidence that:

29 A. The plaintiff was authorized to carry a firearm at the time of the incident giving
30 rise to the action;

31 B. The plaintiff was prohibited from carrying a firearm on the property where the
32 incident occurred because the defendant prohibited the possession of firearms on the
33 property or the plaintiff was on property that the plaintiff was required to traverse in
34 order to travel to and from the location where the plaintiff's firearm was stored and to
35 and from property on which the defendant prohibited the possession of firearms when
36 the incident occurred; and

37 C. The defendant was not required to prohibit the possession of firearms on the
38 property by state or federal law but possession was prohibited by choice of the
39 defendant.

