

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2016

ing committee of the Legislature having jurisdiction over labor and economic development matters on the State's strategic planning efforts related to the ability of persons with disabilities to live independently, including but not limited to:

A. Efforts to increase opportunities for persons with disabilities to live independently within the community;

B. The effectiveness and coordination of programs and services designed to support independent living efforts;

C. Efforts to improve vocational rehabilitation outcomes and efficiency in the development of individualized plans of employment with individuals eligible to receive rehabilitation services;

D. Efforts to improve transition planning for students with disabilities by adding independent living assessments and strategies to prepare for post-secondary education;

E. Efforts to ensure that new public buildings and public accommodations are accessible by persons with disabilities and to encourage the adoption of building codes that meet the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines;

F. Efforts to increase awareness of all available housing that is accessible and usable by persons with disabilities; and

G. Any recommendations for improvement in the delivery of services to persons with disabilities.

Sec. 3. Statewide Independent Living Council to convene a working group; develop statewide transportation voucher program.

The Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f and administered by the Department of Labor, Bureau of Rehabilitation Services, shall convene a working group to develop a proposal for a statewide transportation voucher program for persons with disabilities. Members of the working group must include representatives from the Department of Transportation, the Department of Health and Human Services, the Department of Labor and a statewide agency administering centers for independent living. The working group shall examine the flexibility of federal funding and matching funds sources, consult with the University of Montana Research and Training Center on Disability in Rural Communities for assistance in developing the proposal and submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor, commerce,

research and economic development matters no later than December 15, 2016. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill regarding this subject matter to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 453

S.P. 624 - L.D. 1573

An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers

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

Sec. 1. 22 MRSA §329, sub-§1, as enacted by PL 2001, c. 664, §2, is amended to read:

1. Transfer of ownership; acquisition by lease, donation, transfer; acquisition of control. Any transfer of ownership or acquisition under lease or comparable arrangement or through donation or any acquisition of control of a health care facility under lease, management agreement or comparable arrangement or through donation that would have required review if the transfer or acquisition had been by purchase, except in emergencies when that acquisition of control is at the direction of the department or except if the transfer of ownership or acquisition of control involves only entities or health care facilities that are direct or indirect subsidiaries of the same parent corporation, is between a parent corporation and its direct or indirect subsidiaries or is between entities or health care facilities all under direct or indirect ownership of or ultimate control by the same parent corporation immediately prior to the transfer or acquisition;

See title page for effective date.

CHAPTER 454

H.P. 1062 - L.D. 1559

An Act To Encourage Roller Derby

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

Sec. 1. 8 MRSA §606, sub-§2, as enacted by PL 1991, c. 124, is amended to read:

2. Control. Each skater shall maintain control of the skater's speed and course at all times when skating

and be alert and observant as to ~~avoid other skaters, spectators and objects.~~ A the inherent dangers described in section 607. Except when the skater is taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event, a skater attempting to overtake other skaters shall do so in a manner that avoids collision with objects and other skaters in that skater's field of vision.

See title page for effective date.

CHAPTER 455
S.P. 620 - L.D. 1572

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

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

Sec. 1. 14 MRSA §6030-F is enacted to read:

§6030-F. Firearms in public housing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 12, section 10001, subsection 21.

B. "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

C. "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.

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

3. Damages; attorney's fees. If a landlord brings an action to enforce a provision or rule prohibited under subsection 2, a tenant, tenant's household member or guest may recover actual damages sustained by that tenant, tenant's household member or guest and reasonable attorney's fees.

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

5. Exception. This section does not apply to any prohibition or restriction that is required by federal or state law, rule or regulation.

See title page for effective date.

CHAPTER 456
S.P. 594 - L.D. 1532

**An Act To Clarify Financial
Responsibility in Gestational
Carrier Agreements**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Parentage Act goes into effect July 1, 2016, and clarification of the financial responsibility in gestational carrier agreements should be made when the Maine Parentage Act takes effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 19-A MRSA §1932, sub-§4, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read: