

# 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**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2016**

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:

**4. Reasonable expenses.** ~~A~~ Except as provided in section 1939, a gestational carrier agreement may provide for payment of reasonable expenses, which, if paid to a prospective gestational carrier, must be negotiated in good faith between the parties.

**Sec. 2. 19-A MRSA §1939** is enacted to read:

**§1939. Liability for payment of gestational carrier health care costs**

**1. Liability for health care costs.** The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by her health insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

**2. Agreement.** A gestational carrier agreement must explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection 1.

**3. Effect on insurance coverage.** This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended parent for the coverage of health care costs. This section does not change the health insurance coverage of the gestational carrier or the responsibility of the insurance company to pay benefits under a policy that covers a gestational carrier.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.

Effective July 1, 2016.

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**CHAPTER 457**

**H.P. 1092 - L.D. 1601**

**An Act To Implement the  
Recommendations of the Task  
Force To Ensure Integrity in  
the Use of Service Animals**

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

**Sec. 1. 5 MRSA §4553, sub-§1-H** is enacted to read:

**1-H. Assistance animal.** "Assistance animal" means, for the purposes of subchapter 4:

A. An animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician assistant, nurse practitioner or licensed social worker; or

B. An animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard of hearing to intruders or sounds, providing reasonable protection or rescue work, pulling a wheelchair or retrieving dropped items.

**Sec. 2. 5 MRSA §4553, sub-§9-E, ¶A,** as enacted by PL 2011, c. 369, §2, is repealed.

**Sec. 3. 5 MRSA §4582-A, sub-§3,** as amended by PL 2011, c. 613, §13 and affected by §29, is further amended to read:

**3. Assistance animals.** For any owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation or any of their agents to refuse to permit the use of ~~a service~~ an assistance animal or otherwise discriminate against an individual with a physical or mental disability who uses ~~a service~~ an assistance animal at the housing accommodation unless it is shown by defense that the ~~service~~ assistance animal poses a direct threat to the health or safety of others or the use of the ~~service~~ assistance animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the housing accommodation by others. The use of ~~a service~~ an assistance animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such ~~a service~~ an assistance animal.

**Sec. 4. 5 MRSA §4592, sub-§8,** as enacted by PL 2007, c. 664, §7, is amended to read:

**8. Service animals.** For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to refuse to permit the use of a service animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the public accommodation unless it is shown by defense that the service animal poses a direct threat to the health or safety of others or the use of the service animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the public accommodation by others. The use of a service animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such a service animal. This subsection does not apply to an assistance animal as defined in section 4553, subsection 1-H unless the assistance animal also qualifies as a service animal.