



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1572

S.P. 620

In Senate, January 21, 2016

An Act To Ensure Nondiscrimination against Gun Owners in Public Housing

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative FREDETTE of Newport and
Senators: BRAKEY of Androscoggin, BURNS of Washington, President THIBODEAU of
Waldo, WHITTEMORE of Somerset, Representatives: ESPLING of New Gloucester,
GINZLER of Bridgton, GUERIN of Glenburn, SHERMAN of Hodgdon.

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

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

3 **§6030-F. Firearms in public housing**

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

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

7 B. "Public housing" means any housing that is financed in whole or in part with
8 public funds subsidizing housing accommodations.

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

12 **2. Prohibition or restriction on firearms prohibited.** A rental agreement for the
13 provision of public housing may not contain a provision or impose a rule that requires a
14 person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful
15 ownership, use, possession, bearing or transportation of a firearm, firearm component or
16 ammunition on or within the premises, including the common areas of the premises, by a
17 tenant, tenant's household member or guest.

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

22 **4. Immunity.** Except in cases of gross negligence, a public housing authority or
23 private landlord is not liable in a civil action for personal injury, death, property damage
24 or other damages resulting from or arising out of an occurrence involving a lawfully
25 owned firearm, firearm component or ammunition that the public housing authority or
26 private landlord is required to allow on the property under this section.

27 **5. Exception.** This section does not apply to any prohibition or restriction that is
28 required by federal law or regulation.

29 **SUMMARY**

30 This bill prohibits a rental agreement for the provision of public housing from
31 containing a provision requiring a tenant to agree to a prohibition on the lawful
32 ownership, use, possession, bearing or transportation of a firearm, firearm component or
33 ammunition on or within the premises by a tenant, tenant's household member or guest.