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Date: (Filing No. S-)

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 “ ” 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

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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)