

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Relating to Firearms Exclusions in Certain Locations

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

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

§ 2014. Assumption of responsibility if firearms prohibited

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

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

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

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

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

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

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

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

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

5. Signs. A notice or sign posted by the choice of a person stating that firearms are prohibited on the property must also contain language citing this section and stating that any individual prohibited from possessing a firearm on the property who otherwise would carry a firearm on the property is under the custodial responsibility of the person prohibiting the possession of firearms.

6. Construction. This section must be liberally construed to effectuate its purpose.

SUMMARY

This bill provides that a person that prohibits the possession of firearms on property by an individual otherwise authorized to carry a firearm thereby assumes absolute custodial responsibility for the safety and defense of the individual prohibited from possessing a firearm while that individual is on that property and while that individual is on any property that individual is required to traverse in order to travel to and from the location where that individual's firearm is stored. An individual prohibited from possessing a firearm who is otherwise authorized to carry a firearm and who is injured, suffers bodily injury or death or incurs economic loss or expense, property damage or any other compensable loss as the result of conduct occurring on property on which the possession of a firearm is prohibited has a cause of action against the person that prohibits the possession of firearms on that property.