

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 1823**

6  
7 S. P. 765 In Senate, January 13, 1982  
8 Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

9 Referred to the Committee on Health and Institutional Services and  
1,600 ordered printed. Sent down for concurrence. Ordered sent  
forthwith.

10 MAY M. ROSS, Secretary of the Senate  
11 Presented by Senator Hichens of York.

12 Cosponsors: Senator Pierce of Kennebec and Senator Gill  
13 of Cumberland.

14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-TWO  
18

19 AN ACT Relating to Guide Dogs for  
20 Handicapped Persons.  
21

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

23 Sec. 1. 17 MRSA §1312, sub-§4 is enacted to read:

24 4. Guide dog trainer; access to public facilities;  
25 responsibilities. A guide dog trainer, while engaged in the  
26 actual training process and activities of guide dogs, shall  
27 have the same rights, privileges and responsibilities with  
28 respect to access to public facilities as are applicable to  
29 a blind, visually handicapped or otherwise physically dis-  
30 abled person.

31 Sec. 2. 17 MRSA §1314, as enacted by PL 1971, c. 58,  
32 §1, is amended by adding at the end a new sentence to read:

1 Any person who fits a dog with a harness of the type com-  
2 monly used by blind persons, in order to represent that the  
3 dog is a guide dog, when training of the type that guide  
4 dogs normally receive has not been provided, commits a civil  
5 violation for which a forfeiture not to exceed \$100 may be  
6 adjudged.

7       Sec. 3. 22 MRSA c. 963, first 2 lines, as reallocated  
8 by PL 1979, c. 663, §137, are repealed and the following  
9 enacted in their place:

10                               CHAPTER 963

11                               DEAF AND HEARING IMPAIRED PERSONS

12                               SUBCHAPTER I

13                               GENERAL PROVISIONS

14       Sec. 4. 22 MRSA c. 963, sub-c. II is enacted to read:

15                               SUBCHAPTER II

16                               RIGHTS OF THE DEAF AND HEARING IMPAIRED

17       §3611. Policy

18       It is the policy of this State to encourage and enable  
19 the deaf and hearing impaired to participate fully in the  
20 social and economic life of this State and to engage in  
21 remunerative employment.

22       §3612. Rights

23       The rights, established by this chapter, of deaf and  
24 hearing impaired persons are as follows:

25       1. Streets and public places. The deaf and hearing  
26 impaired have the same rights as the able-bodied to the full  
27 and free use of the streets, highways, sidewalks, walkways,  
28 public buildings, public facilities and other public places.

29       2. Public conveyances. The deaf and hearing impaired  
30 are entitled to full and equal accommodations, advantages,  
31 facilities and privileges of all common carriers, airplanes,  
32 motor vehicles, railroad trains, motor buses, street cars,  
33 boats or any other public conveyances or modes of trans-  
34 portation, hotels, lodging places, places of public accommo-  
35 modation, amusement or resort and other places to which the

1 general public is invited, subject only to the conditions  
2 and limitations established by law and applicable alike to  
3 all persons.

4 3. Guide dogs. Every deaf or hearing impaired person  
5 shall have the right to be accompanied by a guide dog, de-  
6 scribed and known as a "hearing ear" dog, especially trained  
7 for the purpose, and identified by a bright orange harness,  
8 in any of the places listed in subsection 2 without being  
9 required to pay an extra charge for the guide dog, provided  
10 that he shall be liable for any damage done to the premises  
11 or facilities by that dog.

12 4. Guide dog trainer; access to public facilities;  
13 responsibilities. A hearing ear dog trainer, while engaged  
14 in the actual training of hearing ear dogs, shall have the  
15 same rights, privileges and responsibilities with respect to  
16 access to public facilities as are applicable to a deaf or  
17 hearing impaired person.

18 §3613. Motor vehicle drivers

19 The driver of a vehicle approaching a deaf or hearing  
20 impaired person using a properly identified guide dog shall  
21 take all necessary precautions to avoid injury to that  
22 person, and any driver who fails to take such precautions  
23 shall be liable in damages for any injury caused to that  
24 person. A deaf or hearing impaired person not using a guide  
25 dog in any of the places, accommodations or conveyances  
26 listed in section 3612 shall have all of the rights and  
27 privileges conferred by law upon other persons, and the  
28 failure of a deaf or hearing impaired person to use a guide  
29 dog in those places, accommodations or conveyances shall not  
30 be held to constitute nor be evidence of contributory negli-  
31 gence.

32 §3614. Penalty; misrepresentation of hearing ear dog

33 Any person or his agent who denies or interferes with  
34 admittance to or enjoyment of the public facilities enumer-  
35 ated in section 3612 or otherwise interferes with the rights  
36 of a deaf or hearing impaired person under section 3612 com-  
37 mits a Class E crime.

38 Any person who fits a dog with a harness of the type  
39 required by section 3612, subsection 3, in order to repre-  
40 sent that the dog is a hearing ear dog when training of the  
41 type that a hearing ear dog normally receives has not in  
42 fact been provided, commits a civil violation for which a

1 forfeiture not to exceed \$100 may be adjudged.

2 STATEMENT OF FACT

3 The purpose of this bill is to make explicit those  
4 rights, privileges and responsibilities that apply to deaf  
5 and hearing impaired persons, particularly as they relate to  
6 the use of "hearing ear" guide dogs. The provisions of this  
7 bill are modeled on the Model White Cane Law, Title 17,  
8 chapter 47, subchapter 2, regarding the rights of blind or  
9 visually handicapped persons.

10 Because guide dogs must be taught how to behave in  
11 public places before being placed with a blind or deaf  
12 person, the dogs must, of necessity, be taken to those  
13 places in the course of their training. This bill makes it  
14 clear that trainers of guide dogs for blind or deaf persons,  
15 in the course of training those dogs, have the same rights  
16 as those persons regarding where these dogs can be taken.

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