

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 381

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S. P. 142

In Senate, January 27, 1971

Referred to Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Greeley of Waldo.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Creating the Model White Cane Law for the Blind.

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

Sec. 1. R. S., T. 17, c. 47, sub-c. II, additional. Chapter 47 of Title 17 of the Revised Statutes is amended by adding a new subchapter II to read as follows:

SUBCHAPTER II

MODEL WHITE CANE LAW

§ 1311. Policy

It is the policy of this State to encourage and enable the blind, the visually handicapped and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment.

§ 1312. Rights

1. Streets and public places. The blind, the visually handicapped and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

2. Public conveyances. The blind, the visually handicapped and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of

public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Guide dogs. Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in subsection 2 without being required to pay an extra charge for the guide dog, provided that he shall be liable for any damage done to the premises or facilities by such dog.

#### § 1313. Motor vehicle drivers

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. A totally or partially blind pedestrian, not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in section 1312, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

#### § 1314. Penalty

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 1312 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person under section 1312 shall be guilty of a misdemeanor.

#### § 1315. Proclamation

Each year, the Governor shall take suitable public notice of October 15th as White Cane Safety Day.

He shall issue a proclamation in which:

1. Significance. He comments upon the significance of the white cane;
2. Observance. He calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled;
3. Cooperation. He reminds the citizens of the State of the policies with respect to the disabled declared in sections 1311 to 1314 and urges the citizens to cooperate in giving effect to them;
4. Assistance. He emphasizes the need of the citizens to be aware of the presence of disabled persons in the community, and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommo-

ation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

§ 1316. Employment

It is the policy of this State that the blind, the visually handicapped and the otherwise physically disabled shall be employed in the State Service, the service of the political subdivisions of the State, in the public schools and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

Sec. 2. R. S., T. 17, § 1302, repealed. Section 1302 of Title 17 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 29, §§ 2061 - 2064, repealed. Sections 2061 to 2064 of Title 29 of the Revised Statutes are repealed.

STATEMENT OF FACT

The purpose of this Act is stated in section 1 of the Bill.