

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8 by PL 1979, c. 663, §137, are repealed and the following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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