

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1115

H.P. 803

House of Representatives, April 11, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act Concerning Bed and Breakfast Establishments.

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

3 **5 MRSA §4592**, as amended by PL 1985, c. 638, §§2 and 3, is  
5 repealed and the following enacted in its place:

7 **§4592. Unlawful public accommodations**

9 It shall be unlawful public accommodations discrimination,  
in violation of this Act:

11 1. Denial of public accommodations. For any person who is  
13 the owner, lessee, proprietor, manager, superintendent, agent or  
15 employee of any place of public accommodation to directly or  
17 indirectly refuse, withhold from or deny to any person, on  
19 account of race or color, sex, physical or mental handicap,  
21 religion, ancestry or national origin, any of the accommodations,  
advantages, facilities or privileges of public accommodation, or  
in any manner discriminate against any person in the price, terms  
or conditions upon which access to accommodation, advantages,  
facilities and privileges may depend;

23 2. Communication, notice or advertisement. For any person  
25 to directly or indirectly publish, display or communicate any  
27 notice or advertisement to the effect that any of the  
29 accommodations, advantages, facilities and privileges of any  
31 place of public accommodation shall be refused, withheld from or  
33 denied to any person on account of race or color, sex, physical  
35 or mental handicap, religion, ancestry or national origin, or  
37 that the patronage or custom of any person belonging to or  
39 purporting to be of any particular race or color, sex, physical  
or mental handicap, religion, ancestry or national origin is  
unwelcome, objectionable or not acceptable, desired or solicited,  
or that the clientele is restricted to any particular race or  
color, physical or mental handicap, religion, ancestry or  
national origin. The production of any communication, notice or  
advertisement purporting to relate to any place of accommodation  
shall be presumptive evidence in any action that the action was  
authorized by its owner, manager or proprietor;

41 3. Denial of lodging; children. For any person who is the  
43 owner, lessee, proprietor, manager, superintendent, agent or  
45 employee of any public accommodation for lodging to directly or  
47 indirectly refuse or withhold from or deny to any person that  
lodging on the grounds that the person has a child or children  
who will occupy the unit, unless the size of the family exceeds  
the number permitted by local ordinances or reasonable standards  
relating to health, safety or sanitation; and

49 4. Exception. Notwithstanding subsection 3, for any person  
51 who is the owner of a bed and breakfast establishment and who  
resides there to refuse, withhold from or deny to any person  
that lodging on the grounds that the person has a child or

1 children who will occupy the unit. For purposes of this  
2 subsection, "bed and breakfast" means a lodging place that serves  
3 breakfast and that contains fewer than 10 rooms available to be  
4 let to lodgers.

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#### STATEMENT OF FACT

9 Under current law, owners of lodging places cannot refuse  
10 lodging to a person on the grounds that that person is  
11 accompanied by a child or children. This bill provides an  
12 exception to that rule in the case of bed and breakfast  
13 establishments in which the owner resides.