

MAINE STATE LEGISLATURE

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L.D. 2102

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HEALTH AND HUMAN SERVICES

Reported by:

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STATE OF MAINE SENATE 118TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 775, L.D. 2102, Bill, "An Act to Update the Guide Dog Access Law"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 17 MRSA §1312, sub-§3, as enacted by PL 1971, c. 58, §1, is amended to read:

3. **Guide and personal care dogs.** Every totally or partially blind or otherwise physically disabled person ~~shall have~~ has the right to be accompanied by a guide or personal care 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 or personal care dog, ~~provided that he shall be ; however,~~ the person is liable for any damage done to the premises or facilities by such dog.

Sec. 2. 17 MRSA §1312, sub-§4, as enacted by PL 1981, c. 584, §1, is amended to read:

4. **Especially trained guide dog trainer or personal care dog trainer; access to public facilities; responsibilities.** An especially trained guide dog trainer or personal care dog trainer, while engaged in the actual training process and activities of guide or personal care dogs, ~~shall have~~ has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to a blind, visually handicapped or otherwise physically disabled person.

Sec. 3. 17 MRSA §1312, sub-§5, as enacted by PL 1987, c. 104, §1, is amended to read:

2 **5. Housing accommodations; persons with guide or personal**
3 **care dogs.** Every blind or visually handicapped or otherwise
4 physically disabled individual who has a sight-assistance or
5 assistance animal, such as a guide or personal care dog, is
6 entitled to full and equal access to all housing accommodations
7 provided for in this section. Blind or visually impaired or
8 otherwise physically disabled individuals may not be required to
9 pay extra compensation to keep sight-assistance or personal care
10 animals. A blind or visually impaired or otherwise physically
11 disabled person shall-be is liable for any damages done to the
12 premises by the animal.

14 **Sec. 4. 17 MRSA §1312, sub-§7** is enacted to read:

16 **7. Personal care dog; definition.** As used in this section,
17 "personal care dog" means a dog that provides assistance with
18 activities of daily living for a person who is physically
19 disabled.

20 **Sec. 5. 17 MRSA §1313**, as enacted by PL 1971, c. 58, §1, is
21 amended to read:

24 **§1313. Motor vehicle drivers**

26 The driver of a vehicle approaching a totally or partially
27 blind or otherwise physically disabled pedestrian who is carrying
28 a cane predominantly white or metallic in color, with or without
29 a red tip, or using a guide or personal care dog as defined in
30 section 1312 shall take all necessary precautions to avoid injury
31 to such that blind or otherwise physically disabled pedestrian,
32 and any driver who fails to take such precautions shall-be is
33 liable in damages for any injury caused such the pedestrian. A
34 totally or partially blind or otherwise physically disabled
35 pedestrian, not carrying such a cane or using a guide or personal
36 care dog in any of the places, accommodations or conveyances
37 listed in section 1312, shall-have has all of the rights and
38 privileges conferred by law upon other persons, and the failure
39 of a totally or partially blind or otherwise physically disabled
40 pedestrian to carry such a cane or to use a guide or personal
41 care dog in any such places, accommodations or conveyances shall
42 may not be held to constitute nor be evidence of contributory
43 negligence.'

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48 **SUMMARY**

49 This amendment replaces the bill. It retains the provision
50 of the original bill that updates the guide dog law. The

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2 amendment expands the updating by adding to the law personal care dogs for persons who are physically disabled.