

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 413

S.P. 144

In Senate, January 14, 1999

An Act to Prohibit Discrimination Against Motorcyclists.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PENDLETON of Cumberland.
Cosponsored by Representative LEMONT of Kittery and
Senators: DAVIS of Piscataquis, O'GARA of Cumberland, Representatives: AHEARNE of
Madawaska, COLWELL of Gardiner, COWGER of Hallowell, O'NEIL of Saco, SAXL of
Bangor, SULLIVAN of Biddeford.

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

2
3 **Sec. 1. 5 MRSA §4591**, as amended by PL 1991, c. 99, §20, is
4 further amended to read:

6 **§4591. Equal access to public accommodations**

8 The opportunity for every individual to have equal access to
9 places of public accommodation without discrimination because of
10 race, color, sex, physical or mental disability, religion,
11 ancestry or national origin or because the person operates a
12 motorcycle or wears clothing that displays the name of a
13 motorcycle association or organization is recognized as and
14 declared to be a civil right.

16 **Sec. 2. 5 MRSA §4592, sub-§§1 and 2**, as amended by PL 1995, c.
17 393, §22, are further amended to read:

18 **1. Denial of public accommodations.** For any public
19 accommodation or any person who is the owner, lessor, lessee,
20 proprietor, operator, manager, superintendent, agent or employee
21 of any place of public accommodation to directly or indirectly
22 refuse, discriminate against or in any manner withhold from or
23 deny the full and equal enjoyment to any person, on account of
24 race or color, sex, physical or mental disability, religion,
25 ancestry or national origin or because the person operates a
26 motorcycle or wears clothing that displays the name of a
27 motorcycle association or organization, any of the
28 accommodations, advantages, facilities, goods, services or
29 privileges of public accommodation, or in any manner discriminate
30 against any person in the price, terms or conditions upon which
31 access to accommodation, advantages, facilities, goods, services
32 and privileges may depend.

34 For purposes of this subsection, unlawful discrimination also
35 includes, but is not limited to:

38 A. The imposition or application of eligibility criteria
39 that screen out or tend to screen out an individual with a
40 disability or any class of individuals with disabilities
41 from fully and equally enjoying any goods, services,
42 facilities, privileges, advantages or accommodations, unless
43 the criteria can be shown to be necessary for the provision
44 of the goods, services, facilities, privileges, advantages
45 or accommodations being offered;

46 B. A failure to make reasonable modifications in policies,
47 practices or procedures, when modifications are necessary to
48 afford the goods, services, facilities, privileges,
49 advantages or accommodations to individuals with
50

2 disabilities, unless, in the case of a private entity, the
private entity can demonstrate that making the modifications
4 would fundamentally alter the nature of the goods, services,
facilities, privileges, advantages or accommodations;

6 C. A failure to take steps that may be necessary to ensure
that no individual with a disability is excluded, denied
8 services, segregated or otherwise treated differently than
other individuals because of the absence of auxiliary aids
10 and services, unless, in the case of a private entity, the
private entity can demonstrate that taking those steps would
12 fundamentally alter the nature of the good, service,
facility, privilege, advantage or accommodation being
14 offered or would result in an undue burden;

16 D. A private entity's failure to remove architectural
barriers and communication barriers that are structural in
18 nature in existing facilities and transportation barriers in
existing vehicles and rail passenger cars used by an
20 establishment for transporting individuals, not including
barriers that can be removed only through the retrofitting
22 of vehicles or rail passenger cars by the installation of a
hydraulic or other lift, where the removal is readily
24 achievable;

26 When the entity can demonstrate that the removal of a
barrier under this paragraph is not readily achievable, a
28 failure to make the goods, services, facilities, privileges,
advantages or accommodations available through alternative
30 methods if alternative methods are readily achievable; and

32 E. A qualified individual with a disability, by reason of
that disability, being excluded from participation in or
34 being denied the benefits of the services, programs or
activities of a public entity, or being subjected to
36 discrimination by any such entity;

38 **2. Communication, notice or advertisement.** For any person
to directly or indirectly publish, display or communicate any
40 notice or advertisement to the effect that any of the
accommodations, advantages, facilities and privileges of any
42 place of public accommodation are refused, withheld from or
denied to any person on account of race or color, sex, physical
44 or mental disability, religion, ancestry or national origin or
46 because that person operates a motorcycle or wears clothing that
displays the name of a motorcycle association or organization, or
48 that the patronage or custom of any person who operates a
motorcycle or wears clothing that displays the name of a
50 motorcycle association or organization or of any person belonging
to or purporting to be of any particular race or color, sex,

2 physical or mental disability, religion, ancestry or national
3 origin is unwelcome, objectionable or not acceptable, desired or
4 solicited, or that the clientele is restricted to any particular
5 race or color, physical or mental disability, religion, ancestry
6 or national origin or restricted on the basis of whether the
7 person operates a motorcycle or wears clothing displaying the
8 name of a motorcycle association or organization. The production
9 of any communication, notice or advertisement purporting to
10 relate to any place of accommodation is presumptive evidence in
11 any action that the action was authorized by its owner, manager
12 or proprietor;

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SUMMARY

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This bill amends the Maine Human Rights Act to prohibit discrimination in public accommodations against persons who operate motorcycles or who wear clothing that displays the name of a motorcycle association or organization.