

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 583

S.P. 192

In Senate, February 3, 2005

An Act To Amend the Law Regarding the Use of "Hearing Dogs" by Deaf and Hard-of-hearing Persons

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by President EDMONDS of Cumberland.
Cosponsored by Representative PERCY of Phippsburg and
Senators: ANDREWS of York, CLUKEY of Aroostook, Representatives: CARR of Lincoln,
MILLER of Somerville, MOODY of Manchester, NUTTING of Oakland, SAMPSON of
Auburn.

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

2
4 **Sec. 1. 26 MRSA §1420-A, sub-§3**, as amended by PL 2003, c. 414, Pt. B, §6 and affected by c. 614, §9, is further amended to read:

6
8 **3. Guide dogs.** Every deaf or hard-of-hearing person has the right to be accompanied by a guide dog, described and known as a "hearing dog," especially trained for the purpose, and ~~identified by a collar and leash colored hunter orange, as that color is defined in Title 12, section 10001, subsection 32,~~ in a place listed in subsection 2 without being required to pay an extra charge for the guide dog, except that the person is liable for any damage done to the premises or facilities by that dog. ~~When the deaf or hard-of-hearing person is accompanied by a guide dog, the person must also carry a card, issued by the Bureau of Rehabilitation Services, that states that the dog is an especially trained guide dog and cites section 1420 and this section that allow for access by the person and the person's dog to streets, public places and public conveyances.~~

22 **Sec. 2. 26 MRSA §1420-A, sub-§5**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

24
26 **5. Housing accommodations; persons with hearing-assistance animals.** Every deaf or hard-of-hearing person who has a hearing-assistance animal is entitled to full and equal access to all housing accommodations provided for in this section. ~~Hard-of-hearing~~ Deaf and hard-of-hearing persons may not be required to pay extra compensation to keep hearing-assistance animals. A deaf or hard-of-hearing person is liable for any damage done to the premises by the animal.

34 **Sec. 3. 26 MRSA §1420-B**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

36 **§1420-B. Motor vehicle drivers**

38
40 The driver of a vehicle approaching a deaf or hard-of-hearing person using a ~~properly--identified~~ guide dog shall take all necessary precautions to avoid injury to that person and the guide dog. A driver who fails to take such precautions is liable in damages for any injury caused to that person or dog. A deaf or hard-of-hearing person not using a guide dog in any of the places, accommodations or conveyances listed in section 1420-A has all of the rights and privileges conferred by law upon other persons. The failure of a deaf or hard-of-hearing person to use a guide dog in those places, accommodations or conveyances does not constitute nor is it evidence of contributory negligence.

2 **Sec. 4. 26 MRSA §1420-D**, as enacted by PL 2003, c. 452, Pt.
O, §7 and affected by Pt. X, §2, is amended to read:

4
6 **§1420-D. Misrepresentation of hearing dog**

8 A person who ~~fits a dog with a collar and leash of the type~~
~~required by section 1420-A, subsection 3 in order to represent~~
10 represents that ~~the~~ a dog is a hearing dog when training of the
12 type that a hearing dog normally receives has not in fact been
provided commits a civil violation for which a fine of not more
than \$100 may be adjudged.

14
16 **SUMMARY**

18 Maine law currently states that deaf and hard-of-hearing
persons have the same rights as hearing persons regarding access
20 to common carriers, places of lodging, public accommodations,
housing and amusement and gives a deaf or hard-of-hearing person
22 the right to be accompanied by a specially trained "hearing dog"
at those places without having to pay extra money.

24 Current law also requires the Department of Labor, Bureau of
Rehabilitation Services to issue a card saying the dog has been
26 "especially trained" as a guide dog for deaf or hard-of-hearing
persons. This bill removes that requirement as well as the
28 requirements that the owner of the dog carry the card and that
the "hearing dog" wear a hunter orange collar and leash.