

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 785

H.P. 592

House of Representatives, March 1, 2011

An Act Relating to Identification of Service Animals

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CRAY of Palmyra.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: AYOTTE of Caswell, BLACK of Wilton, DILL of Old Town, FOSTER of
Augusta, GIFFORD of Lincoln, LONG of Sherman, McFADDEN of Dennysville.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Maine's dog licensing law provides a means of verifying that a dog is a
4 service dog; and

5 **Whereas,** it is in the public interest to deter people from misrepresenting dogs as
6 service dogs; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 5 MRSA §4592, sub-§8,** as enacted by PL 2007, c. 664, §7, is amended to
13 read:

14 **8. Service animals.** For any public accommodation or any person who is the owner,
15 lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any
16 place of public accommodation to refuse to permit the use of a service animal or
17 otherwise discriminate against an individual with a physical or mental disability who uses
18 a service animal at the public accommodation unless it is shown by defense that the
19 service animal poses a direct threat to the health or safety of others or the use of the
20 service animal would result in substantial physical damage to the property of others or
21 would substantially interfere with the reasonable enjoyment of the public accommodation
22 by others. The use of a service animal may not be conditioned on the payment of a fee or
23 security deposit, although the individual with a physical or mental disability is liable for
24 any damage done to the premises or facilities by such a service animal.

25 The owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or
26 employee of a place of public accommodation may request a person using a service
27 animal to present verification that the animal is a service animal. The request may be
28 made prior to the person's entering or while the person is in the place of public
29 accommodation.

30 **Sec. 2. 7 MRSA §3906-B, sub-§1,** as amended by PL 1997, c. 690, §1, is further
31 amended to read:

32 **1. Dog licensing laws.** The commissioner shall carry out the dog licensing laws and
33 furnish to municipalities all license blanks, stickers and tags. The commissioner shall
34 furnish municipalities with tags to identify dogs licensed as service dogs under section
35 3922, subsection 4.

36 **Emergency clause.** In view of the emergency cited in the preamble, this
37 legislation takes effect when approved.

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SUMMARY

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This bill clarifies the responsibility of the Department of Agriculture, Food and Rural Resources to provide municipalities with tags to identify dogs licensed as service dogs. It

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allows the owner or manager of a public place to request verification when a person

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accompanied by an animal is entering or within that place.

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