

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1601

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H.P. 1092

House of Representatives, February 23, 2016

**An Act To Implement the Recommendations of the Task Force To  
Ensure Integrity in the Use of Service Animals**

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Reported by Representative HICKMAN of Winthrop for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2015, chapter 36, section 3.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 5 MRSA §4553, sub-§1-H** is enacted to read:

3 **1-H. Assistance animal.** "Assistance animal" means, for the purposes of subchapter  
4 4:

5 A. An animal that has been determined necessary to mitigate the effects of a physical  
6 or mental disability by a physician, psychologist, physician assistant, nurse  
7 practitioner or licensed social worker; or

8 B. An animal individually trained to do work or perform tasks for the benefit of an  
9 individual with a physical or mental disability, including, but not limited to, guiding  
10 individuals with impaired vision, alerting individuals who are deaf or hard of hearing  
11 to intruders or sounds, providing reasonable protection or rescue work, pulling a  
12 wheelchair or retrieving dropped items.

13 **Sec. 2. 5 MRSA §4553, sub-§9-E, ¶A,** as enacted by PL 2011, c. 369, §2, is  
14 repealed.

15 **Sec. 3. 5 MRSA §4582-A, sub-§3,** as amended by PL 2011, c. 613, §13 and  
16 affected by §29, is further amended to read:

17 **3. Assistance animals.** For any owner, lessor, sublessor, managing agent or other  
18 person having the right to sell, rent, lease or manage a housing accommodation or any of  
19 their agents to refuse to permit the use of ~~a service~~ an assistance animal or otherwise  
20 discriminate against an individual with a physical or mental disability who uses ~~a service~~  
21 an assistance animal at the housing accommodation unless it is shown by defense that the  
22 ~~service~~ assistance animal poses a direct threat to the health or safety of others or the use  
23 of the ~~service~~ assistance animal would result in substantial physical damage to the  
24 property of others or would substantially interfere with the reasonable enjoyment of the  
25 housing accommodation by others. The use of ~~a service~~ an assistance animal may not be  
26 conditioned on the payment of a fee or security deposit, although the individual with a  
27 physical or mental disability is liable for any damage done to the premises or facilities by  
28 such ~~a service~~ an assistance animal.

29 **Sec. 4. 5 MRSA §4592, sub-§8,** as enacted by PL 2007, c. 664, §7, is amended to  
30 read:

31 **8. Service animals.** For any public accommodation or any person who is the owner,  
32 lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any  
33 place of public accommodation to refuse to permit the use of a service animal or  
34 otherwise discriminate against an individual with a physical or mental disability who uses  
35 a service animal at the public accommodation unless it is shown by defense that the  
36 service animal poses a direct threat to the health or safety of others or the use of the  
37 service animal would result in substantial physical damage to the property of others or  
38 would substantially interfere with the reasonable enjoyment of the public accommodation  
39 by others. The use of a service animal may not be conditioned on the payment of a fee or  
40 security deposit, although the individual with a physical or mental disability is liable for

1 any damage done to the premises or facilities by such a service animal. This subsection  
2 does not apply to an assistance animal as defined in section 4553, subsection 1-H unless  
3 the assistance animal also qualifies as a service animal.

4 **Sec. 5. 7 MRSA §3907, sub-§24-A**, as amended by PL 2011, c. 369, §3, is  
5 further amended to read:

6 **24-A. Service dog.** "Service dog" means a dog that meets the definition of "service  
7 animal" set forth in Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~ or "assistance  
8 animal" set forth in Title 5, section 4553, subsection 1-H.

9 **Sec. 6. 7 MRSA §3961-A**, as amended by PL 2011, c. 369, §4, is further amended  
10 to read:

11 **§3961-A. Attack on service animal or assistance animal**

12 A person who owns or keeps a dog that attacks, injures or kills a service animal or  
13 assistance animal while the service animal or assistance animal is in discharge of its  
14 duties commits a civil violation for which a forfeiture of not more than \$1,000 may be  
15 adjudged.

16 When a person is adjudicated of a violation of this section, the court shall order the  
17 person to make restitution to the owner of the service animal or assistance animal for any  
18 veterinary bills and necessary retraining costs or replacement costs of the service animal  
19 or assistance animal if it is disabled or killed.

20 For the purposes of this section, "service animal" has the same meaning as set forth in  
21 Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~. For the purposes of this section,  
22 "assistance animal" has the same meaning as set forth in Title 5, section 4553, subsection  
23 1-H.

24 **Sec. 7. 17 MRSA §1011, sub-§24-A**, as amended by PL 2011, c. 369, §5, is  
25 further amended to read:

26 **24-A. Service dog.** "Service dog" means a dog that meets the definition of "service  
27 animal" set forth in Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~ or "assistance  
28 animal" set forth in Title 5, section 4553, subsection 1-H.

29 **Sec. 8. 17 MRSA §1312, sub-§7**, as amended by PL 2011, c. 369, §6, is further  
30 amended to read:

31 **7. Service dog; definition.** As used in this section, "service dog" means a dog that  
32 meets the definition of "service animal" in Title 5, section 4553, subsection 9-E;  
33 ~~paragraph B~~.

34 **Sec. 9. 17 MRSA §1314-A**, as amended by PL 2011, c. 369, §8, is repealed and  
35 the following enacted in its place:

