

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 198

H.P. 154

House of Representatives, January 24, 2017

**An Act To Protect Landlords from Lawsuits for Damage or Harm
Caused by Assistance Animals**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ORDDAY of Standish.
Cosponsored by Senator WOODSOME of York and
Representatives: HANINGTON of Lincoln, HARRINGTON of Sanford, KINNEY of
Limington, PICKETT of Dixfield, STETKIS of Canaan, STEWART of Presque Isle, TURNER
of Burlington, Senator: COLLINS of York.

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

2 **Sec. 1. 5 MRSA §4582-A, sub-§3**, as amended by PL 2015, c. 457, §3, is further
3 amended to read:

4 **3. Assistance animals.** For any owner, lessor, sublessor, managing agent or other
5 person having the right to sell, rent, lease or manage a housing accommodation or any of
6 their agents to refuse to permit the use of an assistance animal or otherwise discriminate
7 against an individual with a physical or mental disability who uses an assistance animal at
8 the housing accommodation unless it is shown by defense that the assistance animal
9 poses a direct threat to the health or safety of others or the use of the assistance animal
10 would result in substantial physical damage to the property of others or would
11 substantially interfere with the reasonable enjoyment of the housing accommodation by
12 others. The use of an assistance animal may not be conditioned on the payment of a fee
13 or security deposit, although the individual with a physical or mental disability is liable
14 for any damage done to the premises or facilities by such an assistance animal. Except in
15 cases of gross negligence, recklessness or intentional misconduct on the part of the
16 owner, lessor, sublessor, managing agent or other person having the right to sell, rent,
17 lease or manage a housing accommodation or any of their agents, such owner, lessor,
18 sublessor, managing agent or other person is not liable in a civil action for personal
19 injury, death, property damage or other damages resulting from or arising out of an
20 occurrence involving an assistance animal at the housing accommodation.

21 **SUMMARY**

22 This bill provides that a landlord is not liable in a civil action for personal injury,
23 death, property damage or other damages caused by an assistance animal on the landlord's
24 rental property.