

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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

13-A MRSA §1403, sub-§1, ¶B, as enacted by PL 1971, c. 439, §1, is repealed and the following enacted in its place:

B. If the corporation is to have authorized stock without par value: For purposes of calculating the fee for authorized stocks having no stated par value, a value of \$10 shall be assumed for each share. The formula specified in paragraph A for calculation of the fee for authorized stock which does have a par value will then be applied to the assigned \$10 per share value.

Effective July 13, 1982.

CHAPTER 584

S.P. 765 - L.D. 1823

AN ACT Relating to Guide Dogs for Handicapped Persons.

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

Sec. 1. 17 MRSA §1312, sub-§4 is enacted to read:

4. Especially trained guide dog trainer; access to public facilities; responsibilities. An especially trained guide dog trainer, while engaged in the actual training process and activities of guide dogs, shall have the same rights, privileges and responsibilities with respect to access to public facilities as are applicable to a blind, visually handicapped or otherwise physically disabled person.

Sec. 2. 17 MRSA §1314, as enacted by PL 1971, c. 58, §1, is amended by adding at the end a new sentence to read:

Any person who fits a dog with a harness of the type commonly used by blind persons, in order to represent that the dog is a guide dog, when training of the type that guide dogs normally receive has not been provided, commits a civil

violation for which a forfeiture not to exceed \$100 may be adjudged.

Sec. 3. 22 MRSA c. 963, first 2 lines, as reallocated by PL 1979, c. 663, §137, are repealed and the following enacted in their place:

CHAPTER 963

DEAF AND HEARING IMPAIRED PERSONS

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 4. 22 MRSA §3601, sub-§1, ¶¶A-1 and A-2 are enacted to read:

A-1. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

A-2. "Hearing impaired person" means a person whose sense of hearing is defective, but still functional, with or without amplification.

Sec. 5. 22 MRSA c. 963, sub-c. II is enacted to read:

SUBCHAPTER II

RIGHTS OF THE DEAF AND HEARING IMPAIRED

§3611. Policy

It is the policy of this State to encourage and enable the deaf and hearing impaired to participate fully in the social and economic life of this State and to engage in remunerative employment. The provisions of rights, and penalties for denial thereof, as specified in this subchapter, are not intended to abrogate any actions or penalties provided for violation of human rights, as specified in the Maine Human Rights Act, Title 5, chapter 337.

§3612. Rights

The rights, established by this chapter, of deaf and hearing impaired persons are as follows.

1. Streets and public places. The deaf and hearing impaired have the same rights as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

2. Public conveyances. The deaf and hearing impaired are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Guide dogs. Every deaf or hearing impaired person shall have the right to be accompanied by a guide dog, described and known as a "hearing ear" dog, especially trained for the purpose, and identified by a bright orange collar and leash, in any of the places listed in subsection 2 without being required to pay an extra charge for the guide dog, provided that he shall be liable for any damage done to the premises or facilities by that dog. When the deaf or hearing impaired person is accompanied by a guide dog, he shall also carry a card, issued by the Bureau of Rehabilitation, which states that the dog is an especially trained guide dog, and cites Title 22, sections 3611 and 3612 as allowing for access by the person and his dog to streets, public places and public conveyances.

4. Especially trained guide dog trainer; access to public facilities; responsibilities. An especially trained hearing ear dog trainer, while engaged in the actual training of hearing ear dogs, shall have the same rights, privileges and responsibilities with respect to access to public facilities as are applicable to a deaf or hearing impaired person.

§3613. Motor vehicle drivers

The driver of a vehicle approaching a deaf or hearing impaired person using a properly identified guide dog shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person. A deaf or hearing impaired person not using a guide dog in any of the places, accommodations or conveyances listed in section 3612 shall have all of the rights and privileges conferred by law upon other persons, and the failure of a deaf or hearing impaired person to use a guide dog in those places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

§3614. Penalty; misrepresentation of hearing ear dog

Any person or his agent who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 3612 or otherwise interferes with the rights of a deaf or hearing impaired person under section 3612 commits a Class E crime.

Any person who fits a dog with a collar and leash of the type required by section 3612, subsection 3, in order to represent that the dog is a hearing ear dog when training of the type that a hearing ear dog normally receives has not in fact been provided, commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Effective July 13, 1982.

CHAPTER 585

S.P. 746 - L.D. 1749

AN ACT to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions.

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

Sec. 1. 4 MRSA §152, as last amended by PL 1981, c. 470, Pt. A, §4, is further amended by adding at the end a new paragraph to read:

The District Court shall also possess, concurrent with the Superior Court, original jurisdiction of all civil actions to enforce liens under Title 10, chapter 603, regardless of amount. Determination of the amount, under Title 10, section 3258, shall be made by the court.

Sec. 2. 10 MRSA §3255, sub-§1, as enacted by PL 1975, c. 734, is amended to read:

1. Enforcement by action. The liens mentioned in sections 3251 to 3254 may be preserved and enforced by action against the debtor and owner of the property affected and all other parties interested therein, filed with the Superior Court or District Court clerk of courts in the county or division where the house, building or appurtenances,