

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

(1) During reasonable business hours or at a mutually convenient time and location; and

(2) Upon 10 days' notice in writing reasonably identifying the specific records of the association requested.

(c) Records retained by an association may be withheld from inspection and copying to the extent that they concern:

(1) Personnel, salary and medical records relating to specific individuals;

(2) Contracts, leases and other commercial transactions to purchase or provide goods or services currently being negotiated;

(3) Existing or potential litigation or mediation, arbitration or administrative proceedings;

(4) Existing or potential matters involving federal, state or local administrative or other formal proceedings before a governmental tribunal for enforcement of the declaration, bylaws or rules;

(5) Communications with the association's attorney that are otherwise protected by the attorney-client privilege or the attorney work-product doctrine;

(6) Information the disclosure of which would violate law other than this Act;

(7) Records of an executive session of the executive board; or

(8) Individual unit files other than those of the requesting unit owner.

(d) An association may charge a reasonable fee for providing copies of any records under this section and for supervising the unit owner's inspection.

(e) A right to copy records under this section includes the right to receive copies by photocopying or other means, including copies through an electronic transmission if available upon request by the unit owner.

(f) An association is not obligated to compile or synthesize information.

(g) Information provided pursuant to this section may not be used for commercial purposes or any other purpose not reasonably related to the management of the association or the duties, rights or responsibilities of unit owners, officers or executive board members under this Act or the association's governing documents.

See title page for effective date.

CHAPTER 369 H.P. 551 - L.D. 744

An Act To Amend the Definition of "Service Animal" To Conform with Federal Law

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

Sec. 1. 5 MRSA §4553, sub-§9-D, as enacted by PL 2007, c. 664, §1, is repealed.

Sec. 2. 5 MRSA §4553, sub-§9-E is enacted to read:

9-E. Service animal. "Service animal" means:

A. For the purposes of subchapter 4:

(1) An animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician's assistant, nurse practitioner or licensed social worker; or

(2) An animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard of hearing to intruders or sounds, providing reasonable protection or rescue work, pulling a wheelchair or retrieving dropped items; and

B. For the purposes of subchapter 5, a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. The crime deterrent

effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

Sec. 3. 7 MRSA §3907, sub-§24-A, as enacted by PL 2007, c. 664, §10, is amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 4. 7 MRSA §3961-A, last ¶, as amended by PL 2007, c. 664, §13, is further amended to read:

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 5. 17 MRSA §1011, sub-§24-A, as enacted by PL 2007, c. 664, §16, is amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 6. 17 MRSA §1312, sub-§7, as amended by PL 2007, c. 664, §20, is further amended to read:

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

Sec. 7. 17 MRSA §1313, as amended by PL 2007, c. 664, §21, is further amended to read:

§1313. Motor vehicle drivers

The driver of a vehicle approaching a totally or partially blind or otherwise physically disabled pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a service dog as defined in section 1312, subsection 7 shall take all necessary precautions to avoid injury to that blind or otherwise physically disabled pedestrian, and any driver who fails to take such precautions is liable in damages for any injury caused the pedestrian. A totally or partially blind or otherwise physically disabled pedestrian, not carrying such a cane or using a service dog in any of the places, accommodations or conveyances listed in section 1312, has all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind or otherwise physically disabled pedestrian to carry such a cane or to use a service dog in any such places, accommodations or conveyances may not be held to constitute nor be evidence of contributory negligence.

Sec. 8. 17 MRSA §1314-A, as amended by PL 2007, c. 664, §22, is further amended to read:

§1314-A. Misrepresentation of service dog

A person who fits a dog with a harness, collar, vest or sign of the type commonly used by blind persons in order to represent that the dog is a service dog or commonly used by persons with disabilities to represent that the dog is a service dog when training of the type that guide dogs normally receive has not been provided or when the dog does not meet the definition of "service dog" as defined in section 1312, subsection 7 commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 9. 17 MRSA §3966, last ¶, as amended by PL 2007, c. 664, §23, is further amended to read:

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

See title page for effective date.

CHAPTER 370

H.P. 235 - L.D. 291

**An Act Regarding the Moose
Lottery and Moose
Management**

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

Sec. 1. 12 MRSA §10206, sub-§9, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §50 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10263 is enacted to read:

§10263. Moose Research and Management Fund

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident or alien moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 3. 12 MRSA §11109-A, sub-§1, as enacted by PL 2005, c. 477, §4, is amended to read: