

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

4. Reasonable expenses. ~~A~~ Except as provided in section 1939, a gestational carrier agreement may provide for payment of reasonable expenses, which, if paid to a prospective gestational carrier, must be negotiated in good faith between the parties.

Sec. 2. 19-A MRSA §1939 is enacted to read:
§1939. Liability for payment of gestational carrier health care costs

1. Liability for health care costs. The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by her health insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

2. Agreement. A gestational carrier agreement must explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection 1.

3. Effect on insurance coverage. This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended parent for the coverage of health care costs. This section does not change the health insurance coverage of the gestational carrier or the responsibility of the insurance company to pay benefits under a policy that covers a gestational carrier.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.

Effective July 1, 2016.

CHAPTER 457

H.P. 1092 - L.D. 1601

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

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

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

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

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

B. 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.

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

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

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

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

8. Service animals. For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to refuse to permit the use of a service animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the public accommodation unless it is shown by defense that the service animal poses a direct threat to the health or safety of others or the use of the service animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the public accommodation by others. The use of a service animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such a service animal. This subsection does not apply to an assistance animal as defined in section 4553, subsection 1-H unless the assistance animal also qualifies as a service animal.

Sec. 5. 7 MRSA §3907, sub-§24-A, as amended by PL 2011, c. 369, §3, is further 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-E, ~~paragraph A or B~~ or "assistance animal" set forth in Title 5, section 4553, subsection 1-H.

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

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

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

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

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

Sec. 7. 17 MRSA §1011, sub-§24-A, as amended by PL 2011, c. 369, §5, is further 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-E, ~~paragraph A or B~~ or "assistance animal" set forth in Title 5, section 4553, subsection 1-H.

Sec. 8. 17 MRSA §1312, sub-§7, as amended by PL 2011, c. 369, §6, 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-E, ~~paragraph B~~.

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

§1314-A. Misrepresentation as service animal or assistance animal

A person who knowingly misrepresents as a service animal any animal that does not meet the definition of "service animal," as defined in Title 5, section 4553, subsection 9-E, commits a civil violation. A person who knowingly misrepresents as an assistance

animal any animal that does not meet the definition of "assistance animal," as defined in Title 5, section 4553, subsection 1-H, commits a civil violation. Misrepresentation as a service animal or an assistance animal includes, but is not limited to:

1. False documents. Knowingly creating documents that falsely represent that an animal is a service animal or an assistance animal;

2. Providing false documents. Knowingly providing to another person documents falsely stating that an animal is a service animal or an assistance animal;

3. Harness, collar, vest or sign. Knowingly fitting an animal, when the animal is not a service animal, with a harness, collar, vest or sign of the type commonly used by a person with a disability to indicate an animal is a service animal; or

4. Falsely representing animal as service animal. Knowingly representing that an animal is a service animal, when the animal has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

For a civil violation under this section a fine of not more than \$1,000 for each occurrence may be adjudged.

See title page for effective date.

CHAPTER 458

H.P. 1091 - L.D. 1600

An Act Regarding Consent to Land Transfers to the Federal Government

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

Sec. 1. 1 MRSA §15 is amended to read:

§15. Consent of Legislature to acquisition of land by United States for public buildings; record of conveyances

In accordance with the Constitution of the United States, Article 1, Section VIII, Clause 17, and Acts of Congress in such cases provided, the consent of the Legislature is given to the acquisition by the United States, or under its authority, by purchase, condemnation or otherwise, of any land in this State required for the erection of lighthouses or for sites for customhouses, courthouses, post offices, arsenals or other public buildings, or for any other purposes of the government, except for the designation of property as a national monument pursuant to 54 United States Code, Section 320301 (2015). Deeds and conveyances or title papers for the same ~~shall~~ must be recorded upon the land records of the county or registry district in