

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

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Sec. 2. 5 MRSA §4553, sub-§9-E, ¶A, as enacted by PL 2011, c. 369, §2, is repealed.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