



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 542

H.P. 399

House of Representatives, January 31, 2019

**An Act To Allow a Person To Enter a Place of Public
Accommodation Accompanied by a Medically Necessary Assistance
Animal That Is a Dog**

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 STANLEY of Medway.
Cosponsored by Senator DILL of Penobscot and
Representatives: BROOKS of Lewiston, EVANGELOS of Friendship, HANINGTON of
Lincoln, HICKMAN of Winthrop, NADEAU of Winslow.

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

2 **Sec. 1. 5 MRSA §4592, sub-§8**, as amended by PL 2015, c. 457, §4, is further
3 amended to read:

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

17 This subsection does not apply to an assistance animal as defined in section 4553,
18 subsection 1-H unless the assistance animal:

19 A. Also qualifies as a service animal; or

20 B. Is a dog.

21 **SUMMARY**

22 This bill requires a place of public accommodation to allow the use of a dog that is an
23 assistance animal by an individual with a physical or mental disability.