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JUDICIARY

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STATE OF MAINE
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SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1092, L.D. 1601, Bill, "An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals"

Amend the bill by striking out all of section 9 (page 2, lines 34 and 35 and page 3, lines 1 to 18 in L.D.) and inserting the following:

'Sec. 9. 17 MRSA §1314-A, as amended by PL 2011, c. 369, §8, is repealed and the following enacted in its place: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

COMMITTEE AMENDMENT

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SUMMARY

This amendment clarifies the terminology in the language of the bill defining the civil violation of misrepresentation to align it with the new definition of “assistance animal” and the updated definition of “service animal” in the Maine Human Rights Act. The amendment makes clear that representing as a service animal an animal that does not meet the definition of “service animal,” whether it is a dog or any other species of animal, is a civil violation.

This amendment provides that the maximum fine of \$1,000 proposed in the bill applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.