

**CHAPTER 47**

**DISCRIMINATION**

**§1301. Race, creed or nationality**

**(REPEALED)**

**SECTION HISTORY**

PL 1965, c. 344, §§1,2 (AMD). PL 1971, c. 501, §2 (RP).

**§1301-A. State licenses**

No person, firm or corporation holding a license under the State of Maine or any of its subdivisions for the dispensing of food, liquor or for any service or being a State of Maine corporation or a corporation authorized to do business in the State shall withhold membership, its facilities or services to any person on account of race, religion or national origin, except such organizations which are oriented to a particular religion or which are ethnic in character. [PL 1969, c. 371 (NEW).]

The inspectors and agents of licensing authorities issuing licenses under this section shall have the authority to investigate and prosecute complaints against its licensees for violation of this section and to institute proceedings before the District Court Judge who shall be empowered to proceed under Title 5, chapter 375, and not under Title 28-A, chapter 33. [PL 1987, c. 769, Pt. A, §55 (RPR); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

It shall be the duty of the several district attorneys to investigate and prosecute complaints of violations of this section, and to institute proceedings before the District Court Judge who shall be empowered to proceed under Title 5, chapter 375. [PL 1987, c. 402, Pt. A, §116 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

A determination by the District Court Judge after notice and hearing on a show cause order that there is a violation of this section shall cause revocation of such licenses as may be held, with the right of appeal to the Superior Court under Title 5, chapter 375. [PL 1987, c. 402, Pt. A, §117 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

**SECTION HISTORY**

PL 1969, c. 371 (NEW). PL 1969, c. 504, §§24-G (AMD). PL 1973, c. 303, §3 (AMD). PL 1973, c. 567, §20 (AMD). PL 1987, c. 45, §B4 (AMD). PL 1987, c. 402, §§A115-A117 (AMD). PL 1987, c. 769, §A55 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF).

**§1302. Blind persons with guide dogs**

**(REPEALED)**

**SECTION HISTORY**

PL 1971, c. 58, §2 (RP).

**SUBCHAPTER 2**

**MODEL WHITE CANE LAW**

**§1311. Policy**

It is the policy of this State to encourage and enable the blind, the visually handicapped and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment. [PL 1971, c. 58, §1 (NEW).]

## SECTION HISTORY

PL 1971, c. 58, §1 (NEW).

### §1312. Rights

**1. Streets and public places.** The blind, the visually handicapped and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places. [PL 1971, c. 58, §1 (NEW).]

**2. Public conveyances.** The blind, the visually handicapped and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. [PL 1971, c. 58, §1 (NEW).]

**3. Service dogs.** Every totally or partially blind or otherwise physically or mentally disabled person has the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in subsection 2 without being required to pay an extra charge for the service dog; however, the person is liable for any damage done to the premises or facilities by such a dog. [PL 2007, c. 664, §17 (AMD).]

**4. Especially trained service dog trainer; access to public facilities; responsibilities.** An especially trained service dog trainer, while engaged in the actual training process and activities of service dogs, has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to a blind, visually handicapped or otherwise physically or mentally disabled person. [PL 2007, c. 664, §18 (AMD).]

**5. Housing accommodations; persons with service dogs.** Every blind or visually handicapped or otherwise physically or mentally disabled individual who has a service animal, such as a service dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually impaired or otherwise physically or mentally disabled individuals may not be required to pay extra compensation to keep service animals. A blind or visually impaired or otherwise physically or mentally disabled person is liable for any damages done to the premises by the service animal. [PL 2007, c. 664, §19 (AMD).]

**6. Housing accommodations; definitions.** "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

- A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or [PL 1987, c. 104, §1 (NEW).]
- B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or

members of the owner's family reside in that housing accommodation. [PL 1987, c. 104, §1 (NEW).]

[PL 1987, c. 104, §1 (NEW).]

**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.

[PL 2015, c. 457, §8 (AMD).]

#### SECTION HISTORY

PL 1971, c. 58, §1 (NEW). PL 1981, c. 584, §1 (AMD). PL 1987, c. 104, §1 (AMD). PL 1997, c. 611, §§1-4 (AMD). PL 2007, c. 664, §§17-20 (AMD). PL 2011, c. 369, §6 (AMD). PL 2015, c. 457, §8 (AMD).

#### §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. [PL 2011, c. 369, §7 (AMD).]

#### SECTION HISTORY

PL 1971, c. 58, §1 (NEW). PL 1997, c. 611, §5 (AMD). PL 2007, c. 664, §21 (AMD). PL 2011, c. 369, §7 (AMD).

#### §1314. Penalties

**1. Public facilities; other rights.** A person, firm or corporation or the agent of a person, firm or corporation may not:

A. Deny or interfere with admittance to or enjoyment of the public facilities described in section 1312; or [PL 2003, c. 452, Pt. I, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Otherwise interfere with the rights of a person who is totally or partially blind or a person with other disabilities under section 1312. [PL 2003, c. 452, Pt. I, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. I, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**2. Penalty.** Violation of this section is a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. I, §27 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

#### SECTION HISTORY

PL 1971, c. 58, §1 (NEW). PL 1981, c. 584, §2 (AMD). PL 2003, c. 452, §127 (RPR). PL 2003, c. 452, §X2 (AFF).

#### §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: [PL 2015, c. 457, §9 (NEW).]

**1. False documents.** Knowingly creating documents that falsely represent that an animal is a service animal or an assistance animal;  
[PL 2015, c. 457, §9 (NEW).]

**2. Providing false documents.** Knowingly providing to another person documents falsely stating that an animal is a service animal or an assistance animal;  
[PL 2015, c. 457, §9 (NEW).]

**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  
[PL 2015, c. 457, §9 (NEW).]

**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.  
[PL 2015, c. 457, §9 (NEW).]

For a civil violation under this section a fine of not more than \$1,000 for each occurrence may be adjudged. [PL 2015, c. 457, §9 (NEW).]

#### SECTION HISTORY

PL 2003, c. 452, §128 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 664, §22 (AMD). PL 2011, c. 369, §8 (AMD). PL 2015, c. 457, §9 (RPR).

#### §1315. Proclamation

Each year, the Governor shall take suitable public notice of October 15th as White Cane Safety Day. [PL 1971, c. 58, §1 (NEW).]

He shall issue a proclamation in which: [PL 1971, c. 58, §1 (NEW).]

**1. Significance.** He comments upon the significance of the white cane;  
[PL 1971, c. 58, §1 (NEW).]

**2. Observance.** He calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled;  
[PL 1971, c. 58, §1 (NEW).]

**3. Cooperation.** He reminds the citizens of the State of the policies with respect to the disabled declared in sections 1311 to 1314 and urges the citizens to cooperate in giving effect to them;  
[PL 1971, c. 58, §1 (NEW).]

**4. Assistance.** He emphasizes the need of the citizens to be aware of the presence of disabled persons in the community, and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.  
[PL 1971, c. 58, §1 (NEW).]

#### SECTION HISTORY

PL 1971, c. 58, §1 (NEW).

#### §1316. Employment

It is the policy of this State that the blind, the visually handicapped and the otherwise physically disabled shall be employed in the state service, the service of the political subdivisions of the State, in the public schools and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved. [PL 1971, c. 58, §1 (NEW).]

#### SECTION HISTORY

PL 1971, c. 58, §1 (NEW).

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