

## 94-348 – PROPOSED CHANGES TO RULES

Sec. 1. Me. Hum. Rights Comm'n Reg. Ch. 7, Section 7.01 is revised, in part, as follows:

### 7.01 Definitions

...

**Service animal** means: ~~any animal which has been prescribed for an individual with a physical or mental disability by a physician, psychiatrist, or psychologist, and any guide dog, signal dog, or other 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 with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.~~

(1) Any animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician's assistant, nurse practitioner or licensed social worker; or

(2) Any 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 fetching dropped items.

...

Sec. 2. Me. Hum. Rights Comm'n Reg. Ch. 7, Section 7.16(C) is revised as follows:

### C. Service animals

#### (1) General

~~Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a physical or mental disability.~~ A public accommodation shall permit the use of a service animal and shall not 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.

(2) ~~Care or supervision of service animals~~ **Security deposit and property damage**

~~Nothing in this Chapter requires a public accommodation to supervise or care for a service animal. 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.~~

Sec. 3. Me. Hum. Rights Comm'n Reg. Ch. 8, Section 8.03 is amended, in part, as follows:

8.03 DEFINITIONS

...

Service animal means:

- (a) Any animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician's assistant, nurse practitioner or licensed social worker; or
- (b) Any 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 fetching dropped items.

...

Sec. 4. Me. Hum. Rights Comm'n Reg. Ch. 8, Section 8.06(F) is enacted as follows:

**F. Service Animals**

It shall be unlawful for any owner, lessee, sublessee, 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 animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the housing 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 housing 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.

Fiscal Impact Note: This proposed rule will not impose any cost on municipalities or counties.