

**STATE OF MAINE**  
**POLICY ON SERVICE ANIMALS**

**I. Policy Statement**

It is the policy of the State of Maine to support employees and members of the public who have a disability by permitting the use of Service Animals. Employees may request a reasonable accommodation that has been developed in conjunction with the Department's Equal Employment Opportunity Coordinator ("Department EEO Coordinator") or the State's Equal Employment Opportunity Coordinator ("State EEO Coordinator") within the parameters set forth in this Policy. It is also the policy of the State of Maine to allow Service Animals to accompany members of the public while in the office on state business and to allow access to the premises to the same extent as allowed to other members of the public. Members of the public who are specially trained service animal trainers, while engaged in the actual training process and activities of service animal, have the same rights, privileges, and responsibilities as other members of the public, as provided by [17 M.R.S. § 1312](#).

**II. Definitions**

"Cognitive Impairment" means, for purposes of public accommodations pursuant to Section IV of this Policy, any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

"Disability" means a physical or cognitive impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

"Physical Impairment" means, for purposes of public accommodations pursuant to Section IV of this Policy, any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.

"Responsible Employee" means an employee with a disability for whom use of a Service Animal is a reasonable accommodation.

"Service Animal Owner" means an individual who uses a Service Animal on a State Agency's property as a public accommodation and who is not a Responsible

Employee. Service Animal Owner also means trained service dog trainers who are engaged in the actual training process and activities of service dogs.

“State Agency” means a state department, agency, office, board, commission, or quasi-independent agency, board, commission, authority or institution.

### **III. Service Animal as a Reasonable Accommodation in the Workplace**

#### **A. Generally**

Employees are not allowed to bring pets into the workplace. Employees with a disability may direct a request to use a Service Animal in the workplace, including a reasonable period of time to train a Service Animal for personal use, to the supervisor/manager, the Department EEO Coordinator, or the State EEO Coordinator. In the case of job-related injury, a Service Animal reasonable accommodation request can also be made to the Workers’ Compensation representative in accordance with the State of Maine Policy and Procedure for Processing Requests from Employees and Applicants for Reasonable Accommodation, but the Department or State EEO Coordinator should also be notified of the request. No request for use of a Service Animal as a reasonable accommodation shall be approved or denied prior to review by the Department EEO Coordinator or the State EEO Coordinator. Any reasonable accommodation plan permitting the use of a Service Animal at work may include a reasonable period of time for training. The requirements of Section IV of this policy shall apply during the training period.

#### **B. Prerequisites for Service Animals as a Reasonable Accommodation**

No Service Animal will be permitted in the workplace as a reasonable accommodation until the animal:

1. Is licensed, if available under State law, by an appropriate municipal clerk, or veterinary licensing agent;
2. Is current on all recommended vaccinations; and
3. Is capable of functioning appropriately in a work environment and responds to the Responsible Employee’s commands and instructions at all times. An employee who requests a service animal as a reasonable accommodation may be asked, prior to approval, to document or demonstrate that the service animal is trained to respond to all commands and will not cause disruption or safety issues in the workplace.

C. Standards Applicable to Service Animals as a Reasonable Accommodation within the Workplace Setting

All Service Animals as a reasonable accommodation are expected to meet the following standards:

1. The health and care of the animal is the sole responsibility of the Responsible Employee (*i.e.* the Responsible Employee is responsible for taking the animal outside for bathroom breaks during their own break periods and is responsible for cleaning and disposing any waste. If the animal urinates or defecates inside the building, the Responsible Employee is responsible for cleaning and sanitizing the affected area using cleaners approved for use in that area).
2. The animal must be within the Responsible Employee's control at all times, either by means of a leash, containment (*e.g.* crate) or command;
3. The animal must behave in a non-aggressive manner at all times (*e.g.* no jumping, growling, snarling, biting or snapping);
4. The animal must not be disruptive in the workplace (*e.g.* barking, whining or destructive of state or personal property); and
5. The animal must be housebroken and free from offensive odors.

**Failure to meet any of the above standards may result in the temporary or permanent removal of the Service Animal from the workplace.**

D. Co-workers

Considerations relative to co-workers:

1. The Office, in partnership with HR, will notify co-workers of the pending placement of a Service Animal and will give co-workers the opportunity to express concerns in advance.
2. The Office, in partnership with HR, will develop a plan to address the concerns of employees who are allergic to or fearful of a potential Service Animal, if appropriate.
3. The Responsible Employee is solely responsible for informing co-workers about appropriate interactions with their Service Animal, including by posting

prominent notices at their workstation, such as “please ask before petting or speaking to” the Service Animal.

#### E. Complaint Procedure

All complaints made by employees for alleged violations of this Policy shall be made in accordance with the State of Maine’s Equal Employment Opportunity Complaint Policy.

### IV. Service Animals as Reasonable Public Accommodations

For the purpose of this section of this policy only, “*Service Animal*” means a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this section (with one exception under federal law as noted below). The work or tasks performed by a service animal must be directly related to the individual's disability.<sup>1</sup> The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

#### A. Generally

All state buildings that are open to the general public are places of public accommodations and must allow the use of Service Animals by individuals with disabilities, subject to any exception contained within this policy or other relevant federal or state laws. A State Agency may not say that certain areas of its facilities are off-limits to people because they have Service Animals. Service Animal Owners must be allowed to be accompanied by their service animals in all areas of a place where the public, clients, customers, patrons, and invitees, or other members of the public are able to go.

#### B. Inquiries

A State Agency may ask **only three questions** to determine if a dog is a service animal:

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<sup>1</sup> Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. 5 M.R.S. § 4533(9-E)(B).

1. Is the dog a service animal?
2. Is the dog required because of a disability?
3. What work or task has the dog been trained to perform?

Note: if the work or tasks that the animal has been trained to perform is apparent, such as a dog that is observed pulling a wheelchair, then these inquiries should not be made.

If a Service Animal Owner indicates that they are a trained service dog trainer who is engaged in the actual training process and activities of the Service Animal then they are permitted to enter consistent with this policy.

A State Agency **may not** ask any other questions to determine if a dog is a service animal, including:

1. The nature and extent of the person's disability.
2. Require proof/documents showing that the dog has been certified trained or licensed as a service animal.

In addition, the dog is not required to wear a vest, ID tag, or specific harness identifying it as a Service Animal.

Under federal law, a member of the public may be accompanied by a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability. The miniature horse must be housebroken and remain under the owner's control. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds. A State Agency must limit its inquiry about a miniature horse to the same three question discussed above in relation to dogs.

### C. Staff Resources

If there are any questions about the use of a Service Animal by a Service Animal Owner, the matter should be referred to the Department or State ADA Accessibility Coordinator.

D. Removal of Service Animal

A Service Animal may be removed from the premises if it is a direct threat (e.g. if it is jumping, growling, snarling, biting or snapping) to the health or safety of others, if it would result in substantial physical damage to the property of the Office or others, or if the animal substantially interferes with the work of the Office.

E. Service Animal Poster

State Agencies are encouraged to display the Service Dogs Welcome sign in areas accessible to the public. The poster may be located at the [Maine Department of Labor's website](#).

**V. Effective Date**

This Policy shall be effective August 1, 2023