

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license, or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action;

D. All information the board determines is necessary or appropriate to determine whether the applicant satisfies the ~~minimum~~ qualifications specified in section 1016, ~~subsection~~ subsections 1 and 1-A; and

Sec. 23. 8 MRSA §1020, sub-§2, ¶D, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

Sec. 24. 8 MRSA §1020, sub-§2, ¶G, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

G. Must have a minimum average daily aggregate payback percentage of 89% computed for all slot machines operated at each slot machine facility or casino on a ~~weekly~~ quarterly basis; and

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2013.

CHAPTER 213
H.P. 83 - L.D. 101

**An Act To Allow a Junior
Hunter To Take One Antlerless
Deer without an Antlerless
Deer Permit**

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

Sec. 1. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2009, c. 213, Pt. OO, §2, is further amended to read:

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not include an antlerless deer permit.

Sec. 2. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2009, c. 213, Pt. OO, §2, is further amended to read:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. A nonresident junior hunting license does not include an antlerless deer permit.

Sec. 3. 12 MRSA §11152, sub-§8 is enacted to read:

8. Junior hunter consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to persons with a valid junior hunting license. As part of the special consideration to junior hunters, the commissioner shall provide at least 25% of the available antlerless deer permits in a wild-life management district to persons with a valid junior hunting license who apply for an antlerless deer permit in that district.

See title page for effective date.

CHAPTER 214

S.P. 179 - L.D. 447

**An Act To Increase Patient
Choice in Health Care
Facilities and Health Care
Settings**

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

Sec. 1. 22 MRSA §1831, as enacted by PL 1997, c. 337, §1, is amended to read:

§1831. Patient referrals

1. Provision of information. In order to provide for informed patient or resident decisions, a hospital or nursing facility shall provide ~~lists~~ a standardized list of licensed providers of care and services and available physicians for all patients or residents prior to discharge for whom home health care, hospice care, acute rehabilitation care, a hospital swing bed as defined in section 328, subsection 15 or nursing care is needed. The list must include a clear and conspicuous notice of the rights of the patient or resident regarding choice of providers.

A. For all patients or residents requiring home health care or hospice care, the list must include all licensed home health care and hospice providers that request to be listed and any branch offices, including addresses and phone numbers, that serve the area in which the patient or resident resides.

B. For all patients or residents requiring nursing facility care or a hospital swing bed, the list must include all nursing appropriate facilities that request to be listed that serve the area in which the patient or resident resides or wishes to reside and the physicians available within those facilities that request to be listed.

C. The hospital or nursing facility shall disclose to the patient or resident any direct or indirect fi-

nancial interest the hospital or nursing facility has in the nursing facility or home health care provider.

2. Rulemaking. The department shall establish by rule guidelines necessary to carry out the purposes of this section, including but not limited to the standardized list referenced in subsection 1 and contact information for the long-term care ombudsman program under section 5107-A. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 2. Rules regarding the responsibilities of medical directors in nursing facilities. The Department of Health and Human Services shall amend its rules regarding licensure of nursing facilities, Rule Chapter 110, chapter 16, to require that the responsibilities of a facility's medical director include ongoing guidance in the development and implementation of resident care policies, including review and revision of existing policies as required in the guidelines for nursing facilities issued by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The rules must require all facilities, including those that are corporately owned, to be able to demonstrate that the development, review and approval of resident care policies or procedures provide opportunity for medical director input. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 215

H.P. 359 - L.D. 540

An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building

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

Sec. 1. 12 MRSA §11209, as amended by PL 2009, c. 340, §14, is further amended to read:

§11209. Discharge of firearm or crossbow near dwelling or building

1. Prohibition. A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including muzzle-loading firearms, ~~or~~ crossbow or bow and arrow or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the

owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm, crossbow or bow and arrow.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

See title page for effective date.

CHAPTER 216

S.P. 267 - L.D. 729

An Act To Allow Charter Schools To Request Waivers from Certain Requirements

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

Sec. 1. 20-A MRSA §2412, sub-§5, ¶1 is enacted to read:

1. Except as provided in subparagraph (2), the commissioner may grant a public charter school a waiver of one or more requirements applicable to the public charter school upon receipt of an application from the public charter school that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years. A public charter school may submit an application for a waiver to the commissioner only upon receiving prior approval from the public charter school's authorizer of the same waiver request.

(1) Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver to the public charter school.

(2) A public charter school may not apply to the commissioner for a waiver of any of the following requirements: