

# 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.**

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**Augusta, Maine**  
**2013**

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.

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**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.

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**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: