

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

**CHAPTER 557**  
**S.P. 638 - L.D. 1647**

**An Act To Make Changes to  
the So-called Dig Safe Law**

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

**Sec. 1. 23 MRSA §3360-A, sub-§3, ¶E**, as amended by PL 2011, c. 72, §1, is further amended to read:

E. If the proposed excavation or blasting ~~does not commence within~~ commences or continues 60 calendar days ~~of~~ after notification under this subsection or the excavation or blasting will be expanded outside of the location originally specified in the notification, the excavator responsible for that excavation shall again notify the system as specified in paragraph A. The excavator shall notify the system once for each successive 60-day period.

**Sec. 2. 23 MRSA §3360-A, sub-§10-A, ¶B**, as enacted by PL 2011, c. 588, §11, is amended to read:

B. If the underground facilities are located on private property, provide service to a single-family residence and are owned and operated by the owner of that property:

- (1) That landowner may mark the underground facilities in accordance with paragraph D;
- (2) The excavator may wait 3 business days from the date of notification to commence the excavation or may commence the excavation upon notification;
- (3) If the excavator waits 3 business days from the date of notification or until after the underground facilities are marked, if sooner, to commence excavation or if the markings made by the landowner pursuant to subparagraph (1) fail to identify the location of the underground facilities in accordance with paragraph D, an excavator damaging or injuring underground facilities is not liable for any damage or injury caused by the excavation, except on proof of negligence; and
- (4) If the excavator does not wait until the underground facilities are marked or 3 business days from the date of notification to commence excavation, whichever occurs earlier, the excavator is liable for all damages to the underground facilities as a result of the excavation.

**Sec. 3. So-called Dig Safe rule review.** The Public Utilities Commission shall review Public Utili-

ties Commission Rule Chapter 895: Underground Facility Damage Prevention Requirements to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system under the Maine Revised Statutes, Title 23, section 3360-A, subsection 1-A. The commission may amend its rules in ways that will decrease the number of notices issued that do not result in a marking. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters by January 10, 2015. The committee may report out a bill relating to the commission's report to the First Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 558**  
**H.P. 1318 - L.D. 1830**

**An Act To Further the  
Implementation of the  
Rockweed Fishery  
Management Plan**

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

**Sec. 1. 12 MRSA §6807**, as amended by PL 2013, c. 169, §1, is further amended to read:

**§6807. Seaweed harvesting rules**

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest, the designation of sectors, limitations on harvest by sector, establishment of a process for allocation to sectors and gear and techniques that may be used in harvesting. Rules establishing a process for the allocation to sectors under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. ~~Rules~~ All other rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Statewide management plan for rockweed; update on recommended actions.** The Commissioner of Marine Resources, referred to in this section as "the commissioner," shall complete and present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015 an update on the implementation of the Rockweed Fishery Management Plan, referred to in this section as "the plan," dated January 2014, developed pursuant to Public Law 2013, chapter 169