

# 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.

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**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

and in accordance with the Maine Revised Statutes, Title 12, section 6171, subsection 2-A.

**1. Working group convened.** The commissioner shall create a working group whose purpose is to complete the work on developing criteria for areas closed to harvest or that are seasonally closed to harvest and identification of areas closed to harvest or that are seasonally closed to harvest as recommended by the plan, and recommend a process by which those designations will be maintained and adjusted as necessary. The working group must consist of scientists and other experts with areas of expertise relevant to the fishery and the considerations previously discussed by the plan's plan development team relevant to no-harvest determinations and staff as determined by the commissioner.

**2. Working group membership; criteria; areas closed to harvest.** The update must identify:

- A. The membership of the working group convened pursuant to subsection 1;
- B. The criteria recommended by the working group to be used to determine areas to be closed to harvest or areas that are seasonally closed to harvest, and the scientific or legal reasoning for each criterion;
- C. Based upon the criteria in paragraph B, the recommended process for designating areas closed to harvest or areas that are seasonally closed to harvest, disseminating those designations and revising those designations; and
- D. To the extent possible, the recommendations of the working group in identifying areas closed to harvest or areas that are seasonally closed to harvest.

**3. Legislation.** The joint standing committee of the Legislature having jurisdiction over marine resources matters is authorized to report out a bill to the First Regular Session of the 127th Legislature that is related to the implementation of the plan update submitted pursuant to this section.

See title page for effective date.

**CHAPTER 559**

**H.P. 1152 - L.D. 1581**

**An Act To Improve Business  
Certainty for Providers of  
Quality Child Care**

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

**Sec. 1. 22 MRSA §3737, sub-§3,** as amended by PL 2001, c. 394, §1, is further amended to read:

**3. Quality differential.** To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter ~~II-A~~ 2-A. The rules must ~~limit payment of the differential for substantial progress to a period of one year~~ establish a 4-step child care quality rating system and must provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. ~~The rules must provide differential rates for substantial progress and must define substantial progress as:~~

- ~~A. Having submitted program descriptions and awaiting a scheduled visit from an accrediting body approved by the department; or~~
- ~~B. For family child care, having submitted a portfolio for a child development associate and awaiting a scheduled observation.~~

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance to Needy Families block grant.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

**Child Care Services 0563**

Initiative: Allocates funds for changes in quality differential rates for child care services.

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$0	\$73,590
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$0</b>	<b>\$73,590</b>

See title page for effective date.