

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

L.D. 1823

Date: 3/26/12

(Filing No. H-823)

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1343, L.D. 1823, Bill, "An Act To Allow the Maine Wild Mushroom Harvesting Certification Program To Be Self-funded"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend the Maine Wild Mushroom Harvesting Certification Program'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 22 MRSA §2175**, as enacted by PL 2011, c. 412, §2, is amended to read:

**§2175. Maine Wild Mushroom Harvesting Certification Program**

**1. Program established; training approval.** The Maine Wild Mushroom Harvesting Certification Program is established to ensure that properly trained persons harvest, broker and sell wild mushrooms in order to protect public health and the safety of the food supply. The program is administered by the Department of Health and Human Services for the purpose of establishing educational, training and certification requirements for persons who commercially harvest, broker and or sell wild mushrooms in this State. The Commissioner of Health and Human Services shall ~~certify persons duly qualified in the field of wild mushroom harvesting, brokering and selling~~ approve training programs provided by persons or entities outside the department in accordance with the recommendations of the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5.

**2. Certification of wild mushroom harvesters, brokers or sellers.** The Commissioner of Health and Human Services, upon consultation with the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5, shall certify persons, ~~in accordance with the certification requirements developed by the committee pursuant to subsection 5, paragraph B,~~ with appropriate training in mushroom harvesting, brokering and or selling ~~experience~~ to sell, transfer or otherwise deliver wild mushrooms within the State. Certification is valid for a period not to exceed 5 years, unless the Department of Health and Human Services, by rule, establishes another certification period.

**COMMITTEE AMENDMENT**

1           **3. Refusal to certify; revocation of certification.** The Department of Health and  
2 Human Services may decline to certify any person determined to lack the appropriate  
3 ~~experience or ability~~ training to safely harvest, broker or sell wild mushrooms, in  
4 accordance with recommendations of the Maine Wild Mushroom Harvesting Advisory  
5 Committee under subsection 5 and rules adopted by the Department of Health and  
6 Human Services pursuant to this section. The Department of Health and Human Services  
7 may revoke, in accordance with the Maine Administrative Procedure Act, the  
8 certification of any person in accordance with recommendations of the Maine Wild  
9 Mushroom Harvesting Advisory Committee and rules adopted by the Department of  
10 Health and Human Services pursuant to this section.

11           **4. Registry.** The Department of Health and Human Services shall maintain a  
12 registry of all applicants for certification and of all certificates issued by the Department  
13 of Health and Human Services under this section.

14           **5. Maine Wild Mushroom Harvesting Advisory Committee.** The Maine Wild  
15 Mushroom Harvesting Advisory Committee, as established in Title 5, section 12004-I,  
16 subsection 47-H, and referred to in this subsection as "the committee," is governed by the  
17 following provisions:

18           A. The committee consists of the following 12 members:

19                   (1) The director of the division of environmental health within the Department of  
20 Health and Human Services, or the director's designee, who shall serve as a  
21 cochair of the committee;

22                   (2) The director of the division of quality assurance and regulation within the  
23 Department of Agriculture, Food and Rural Resources, or the director's designee,  
24 who shall serve as a cochair of the committee;

25                   (3) The president of a statewide mycological association, or the president's  
26 designee, appointed by the Governor;

27                   (4) A representative of a statewide mycological association, appointed by the  
28 Governor;

29                   (5) The Dean of the College of Natural Sciences, Forestry, and Agriculture at the  
30 University of Maine, or the dean's designee;

31                   (6) The director of a northern New England poison control center, or the  
32 director's designee, appointed by the Governor;

33                   (7) A health inspector from the Department of Health and Human Services  
34 appointed by the Commissioner of Health and Human Services;

35                   (8) A representative of a statewide restaurant association, appointed by the  
36 Governor;

37                   (9) One representative of the wild mushroom foragers community, appointed by  
38 the Governor;

39                   (10) One representative of the wild mushroom brokers community, appointed by  
40 the Governor;

1 (11) A chef or other individual with experience in the commercial preparation of  
2 food, appointed by the Governor; and

3 (12) A person experienced in the wholesale sale and distribution of food  
4 products, appointed by the Governor;

5 B. The committee has the following duties:

6 (1) To advise the Commissioner of Health and Human Services with respect to  
7 the certification of individuals ~~duly qualified by reason of~~ who have completed  
8 approved training and experience to engage in the harvesting, brokering ~~and~~ or  
9 selling of wild mushrooms in this State; and

10 ~~(2) To identify persons to serve as technical and educational advisors in the~~  
11 ~~development and implementation of training programs for individuals seeking~~  
12 ~~certification as wild mushroom harvesters;~~

13 ~~(3) To design and establish wild mushroom harvesting training programs for~~  
14 ~~certification pursuant to subsection 2 for the review and approval of the~~  
15 ~~Commissioner of Health and Human Services;~~

16 (4) To advise the Commissioner of Health and Human Services with respect to  
17 wild mushroom harvesting training programs ~~conducted at least annually and~~  
18 certification; and

19 ~~(5) To advise the Commissioner of Health and Human Services with respect to~~  
20 ~~examinations conducted at least annually for those individuals seeking~~  
21 ~~certification pursuant to subsection 2;~~

22 C. Each member of the committee serves for a period of 3 years or until the  
23 member's successor is appointed. If a member is unable to complete the term, the  
24 respective appointing authority shall appoint a person to serve out the remaining  
25 portion of the unexpired term;

26 D. The committee shall meet at least annually and more frequently if needed to carry  
27 out its duties. Meetings may be called by the committee's cochairs or any other 2  
28 members as is necessary to carry out the committee's duties;

29 E. A quorum is a majority of the members of the committee. An affirmative vote of  
30 a majority of the members present for a meeting is required for any action;

31 F. The Department of Health and Human Services shall provide staff assistance to  
32 the committee; and

33 ~~G. The Department of Health and Human Services shall reimburse travel expenses of~~  
34 ~~committee members from the Wild Mushroom Harvesting Fund established in~~  
35 ~~subsection 6, if funds are available. Members of the committee serve on a voluntary~~  
36 ~~basis and without compensation.~~

37 ~~**6. Wild Mushroom Harvesting Fund.** The Wild Mushroom Harvesting Fund,~~  
38 ~~referred to in this subsection as "the fund," is established within the Department of Health~~  
39 ~~and Human Services as a separate nonlapsing account. The Commissioner of Health and~~

1 ~~Human Services shall administer the fund on behalf of the Maine Wild Mushroom~~  
2 ~~Harvesting Advisory Committee under subsection 5.~~

3 ~~A. All fees assessed pursuant to subsection 7 by the Department of Health and~~  
4 ~~Human Services for training courses, materials and examinations must be deposited~~  
5 ~~into the fund.~~

6 ~~B. The Department of Health and Human Services may seek and accept gifts,~~  
7 ~~donations and grants from public or private sources for deposit into the fund to carry~~  
8 ~~out the purposes of this section.~~

9 ~~C. The Department of Health and Human Services may use the fund to defray the~~  
10 ~~reasonable costs incurred by the Maine Wild Mushroom Harvesting Advisory~~  
11 ~~Committee in carrying out its duties.~~

12 ~~D. The Department of Health and Human Services may use the fund to compensate~~  
13 ~~trainers for providing education and outreach associated with the Maine Wild~~  
14 ~~Mushroom Harvesting Certification Program established in subsection 1.~~

15 ~~7. Fees. The training, examination and certification fees may not exceed \$20, may~~  
16 ~~be imposed no more than once every 5 years and must be established by the Department~~  
17 ~~of Health and Human Services by rule. Revenues from applicants for certification~~  
18 ~~pursuant to subsection 2 failing the examination must be retained in the Wild Mushroom~~  
19 ~~Harvesting Fund established in subsection 6 must be deposited into a special revenue~~  
20 ~~account dedicated to a health inspection program.~~

21 ~~8. Rules. The Department of Health and Human Services may adopt rules to~~  
22 ~~implement this section. Rules adopted pursuant to this subsection are routine technical~~  
23 ~~rules as defined in Title 5, chapter 375, subchapter 2-A.~~

24 ~~Sec. 2. Appropriations and allocations. The following appropriations and~~  
25 ~~allocations are made.~~

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

27 **Health - Bureau of 0143**

28 Initiative: Adjusts funding to establish the existing Health Inspection Program in the  
29 Department of Health and Human Services as the recipient of certification fees currently  
30 deposited in the Wild Mushroom Harvesting Fund.

31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
32	All Other	\$500	\$500
33			
34	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$500</u>	<u>\$500</u>

35 **Wild Mushroom Harvesting Fund Z128**

36 Initiative: Adjusts funding to reflect the elimination of the Wild Mushroom Harvesting  
37 Fund.

1	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
2	All Other	(\$500)	(\$500)
3			
4	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$500)</u>	<u>(\$500)</u>
5	<b>HEALTH AND HUMAN SERVICES,</b>		
6	<b>DEPARTMENT OF (FORMERLY DHS)</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
8			
9	<b>OTHER SPECIAL REVENUE FUNDS</b>	\$0	\$0
10			
11	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$0</u>
12			

13 **SUMMARY**

14 This amendment replaces the bill and changes the title. It amends the Maine Wild  
15 Mushroom Harvesting Certification Program as follows.

16 1. The amendment removes from the duties of the Maine Wild Mushroom  
17 Harvesting Advisory Committee the development and delivery of training courses and the  
18 identification of technical and educational advisors.

19 2. The amendment specifies that the Maine Wild Mushroom Harvesting Advisory  
20 Committee members serve on a voluntary basis and conforms their duties to within the  
21 scope of the Department of Health and Human Services.

22 3. The amendment repeals the Wild Mushroom Harvesting Fund and specifies that  
23 revenues from certification application fees are payable into a special revenue account  
24 dedicated to a health inspection program within the department.

25 4. The amendment specifies that certification for mushroom harvesting, brokering or  
26 selling is issued to applicants based on completion of department-approved training.

27 5. The amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
**(See Attached)**



# 125th MAINE LEGISLATURE

LD 1823

LR 2667(02)

## An Act To Allow the Maine Wild Mushroom Harvesting Certification Program To Be Self-funded

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-823)  
Committee: Health and Human Services  
Fiscal Note Required: Yes

### Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

#### Fiscal Detail and Notes

The fiscal note reflects the elimination of the Wild Mushroom Harvesting Fund and the establishment of the Maine Centers for Disease Control and Prevention, Health Inspection Program as the new recipient of wild mushroom harvester certification fees. It includes a deallocation of \$500 in 2011-12 and 2012-13 for the Wild Mushroom Harvesting Fund and an increased allocation of \$500 in 2011-12 and 2012-13 for the Maine Centers for Disease Control and Prevention, Health Inspection Program. Given no fees have been deposited in the fund to date, the bill reflects a change in the placeholder allocation. It is assumed that expanding the fee on mushroom harvesters to brokers and sellers may increase the amount of revenue collected.