

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

of approval for the energy distribution system project before January 1, 2018. Notwithstanding this subsection, revenue refunding securities may be issued to refund any outstanding revenue obligation securities.

Sec. 5. 10 MRSA §1053, sub-§6, ¶A, as amended by PL 2011, c. 261, §6, is further amended to read:

A. The sum of ~~\$330,000,000~~ \$180,000,000 consisting of not more than ~~\$275,000,000~~ \$150,000,000 for loans and up to ~~\$55,000,000~~ \$30,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for electric rate stabilization projects or loans for energy distribution system projects, ~~except that the authority's maximum financial liability for any energy distribution system project may not exceed the limits established annually by the authority;~~

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

Effective April 4, 2012.

CHAPTER 587

H.P. 1343 - L.D. 1823

An Act To Amend the Maine Wild Mushroom Harvesting Certification Program

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

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.

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

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

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

A. The committee consists of the following 12 members:

- (1) The director of the division of environmental health within the Department of Health and Human Services, or the director's designee, who shall serve as a cochair of the committee;
- (2) The director of the division of quality assurance and regulation within the Department of Agriculture, Food and Rural Resources, or the director's designee, who shall serve as a cochair of the committee;
- (3) The president of a statewide mycological association, or the president's designee, appointed by the Governor;

- (4) A representative of a statewide mycological association, appointed by the Governor;
- (5) The Dean of the College of Natural Sciences, Forestry, and Agriculture at the University of Maine, or the dean's designee;
- (6) The director of a northern New England poison control center, or the director's designee, appointed by the Governor;
- (7) A health inspector from the Department of Health and Human Services appointed by the Commissioner of Health and Human Services;
- (8) A representative of a statewide restaurant association, appointed by the Governor;
- (9) One representative of the wild mushroom foragers community, appointed by the Governor;
- (10) One representative of the wild mushroom brokers community, appointed by the Governor;
- (11) A chef or other individual with experience in the commercial preparation of food, appointed by the Governor; and
- (12) A person experienced in the wholesale sale and distribution of food products, appointed by the Governor;
- B. The committee has the following duties:
- (1) To advise the Commissioner of Health and Human Services with respect to the certification of individuals ~~duly qualified by reason of who have completed approved training and experience~~ to engage in the harvesting, brokering ~~and~~ or selling of wild mushrooms in this State; and
- ~~(2) To identify persons to serve as technical and educational advisors in the development and implementation of training programs for individuals seeking certification as wild mushroom harvesters;~~
- ~~(3) To design and establish wild mushroom harvesting training programs for certification pursuant to subsection 2 for the review and approval of the Commissioner of Health and Human Services;~~
- (4) To advise the Commissioner of Health and Human Services with respect to wild mushroom harvesting training programs ~~conducted at least annually~~ and certification; and
- ~~(5) To advise the Commissioner of Health and Human Services with respect to examinations conducted at least annually for those individuals seeking certification pursuant to subsection 2;~~
- C. Each member of the committee serves for a period of 3 years or until the member's successor is appointed. If a member is unable to complete the term, the respective appointing authority shall appoint a person to serve out the remaining portion of the unexpired term;
- D. The committee shall meet at least annually and more frequently if needed to carry out its duties. Meetings may be called by the committee's co-chairs or any other 2 members as is necessary to carry out the committee's duties;
- E. A quorum is a majority of the members of the committee. An affirmative vote of a majority of the members present for a meeting is required for any action;
- F. The Department of Health and Human Services shall provide staff assistance to the committee; and
- ~~G. The Department of Health and Human Services shall reimburse travel expenses of committee members from the Wild Mushroom Harvesting Fund established in subsection 6, if funds are available. Members of the committee serve on a voluntary basis and without compensation.~~
- ~~**6. Wild Mushroom Harvesting Fund.** The Wild Mushroom Harvesting Fund, referred to in this subsection as "the fund," is established within the Department of Health and Human Services as a separate nonlapsing account. The Commissioner of Health and Human Services shall administer the fund on behalf of the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5.~~
- ~~A. All fees assessed pursuant to subsection 7 by the Department of Health and Human Services for training courses, materials and examinations must be deposited into the fund.~~
- ~~B. The Department of Health and Human Services may seek and accept gifts, donations and grants from public or private sources for deposit into the fund to carry out the purposes of this section.~~
- ~~C. The Department of Health and Human Services may use the fund to defray the reasonable costs incurred by the Maine Wild Mushroom Harvesting Advisory Committee in carrying out its duties.~~
- ~~D. The Department of Health and Human Services may use the fund to compensate trainers for providing education and outreach associated with the Maine Wild Mushroom Harvesting Certification Program established in subsection 1.~~

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

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

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

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

Health - Bureau of 0143

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

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$500	\$500
	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

Wild Mushroom Harvesting Fund Z128

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

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	(\$500)	(\$500)
	(\$500)	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500)	(\$500)

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

DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
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See title page for effective date.

CHAPTER 588

H.P. 1329 - L.D. 1803

An Act To Implement the Recommendations of the Dig Safe Work Group

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the underground facility damage prevention system, established pursuant to the so-called dig safe law, ensures the health and safety of the citizens of the State when excavations are to occur; and

Whereas, this Act affects the system; and

Whereas, it is important to implement the changes to the system immediately to keep the people involved with the system safe; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶D, as enacted by PL 1979, c. 362, §2, is amended to read:

D. "Person" means an individual, partnership, municipality, state, including an agency or department of the state, county, political subdivision, utility, joint venture or corporation and includes the employer of an individual.

Sec. 2. 23 MRSA §3360-A, sub-§1, ¶E, as enacted by PL 1979, c. 362, §2, is amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. This definition ~~shall~~ does not include liquefied propane gas dis-