

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 374**

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H. P. 621

House of Representatives, February 9, 1943.

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Davis of Buxton by request.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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**AN ACT Regulating the Propagation and Keeping of Bees; the Suppression of Contagious Diseases Among Bees; Providing for the Registration and Regulation of Apiaries.**

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

**Sec. 1. Definitions.** The following terms as used in this act shall be construed to mean:

- (a) Apiary: Any place where 1 or more colonies of bees are kept.
- (b) Appliances: Any apparatus, tools, machines, or other devices, used in the handling and manipulating of bees, honey, wax, and hives. It shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.
- (c) Bees: Any stage of the common honey bee, *Apis mellifera* L.
- (d) Bee diseases: American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees.
- (e) Bee equipment: Hives, supers, frames, veils, gloves or any other appliances or equipment.
- (f) Colony: The hive and its appliances, including bees, comb, honey and equipment.

(g) Hive: Frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which may be used as a domicile for bees.

(h) Persons: Individuals, associations, partnerships and corporations.

(i) Queen apiary: Any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this act shall be construed to impart either the plural or singular, as the case demands.

**Sec. 2. State apiarist, deputies; duties, expenses; inspection of apiaries.**

The commissioner of agriculture is authorized and instructed to employ a qualified apiary inspector and suitable assistants or deputies, such expenses in connection therewith to be paid as said commissioner may approve. Said apiary inspector shall be known as the state apiarist. He shall investigate or cause his deputies to investigate without delay all outbreaks of bee diseases, and cause suitable measures to be taken for their eradication or control. The state apiarist shall cause all apiaries, the location of which comes to his knowledge, to be inspected at least once each year.

**Sec. 3. Inspection of apiaries; infectious diseases, quarantine; notice.**

The state apiarist or any of his deputies shall have access at all reasonable hours, to and from, all apiaries or places where bees, comb or apiary appliances may be kept, for the purpose of ascertaining the existence of the disease known as American foulbrood or European foulbrood and any other disease which is infectious or contagious in its nature, and injurious as to honey bees in their eggs, larval, pupal or adult stages. Should any of said diseases or infections be found to exist in such apiaries, the state apiarist shall cause the owner or keeper of such apiary to be notified in writing, stating the nature of the disease or infection that was found to exist in said apiary. If the owner keeper is located so that he may not receive said written notice at once, the state apiarist shall cause to be attached to each colony in said apiary a notice declaring all bees and equipment in said apiary under quarantine. At the same time all hive entrances shall be closed by the state apiarist or his deputies.

**Sec. 4. Control of bee disease or infection.** Should any of the bee diseases or infections mentioned in the preceding sections be found to exist in any apiary, the owner or keeper shall in the presence of the state apiarist or any of his deputies, treat or cause to be treated or destroy or cause to be destroyed by fire all colonies, including hives, frames, honey, wax and brood, and the said owner or keeper shall carry out all orders that the state

apiarist or any of his deputies may issue, in connection with the control of any bee disease or infection.

**Sec. 5. Warrant to issue against owner or keeper for neglect to comply with orders or recommendations.** If the owner or keeper of any bees refuses or neglects to carry out the orders or recommendations of the state apiarist or any of his deputies, that he receives in writing or that may have been legally attached to any bee-hive or other bee equipment, within 24 hours, the state apiarist or any other person, may make written complaint before any municipal court or any trial justice having jurisdiction in the city or town where the bees or equipment are located, that he really believes and has reason to believe that certain colonies of bees owned or kept by said owner or keeper, have a certain disease which is infectious or contagious in its nature, and injurious to honey bees, either in their egg, larval, pupal or adult stages. The judge of said municipal court or any trial justice shall have the power to issue a warrant against the owner or keeper of said bees, ordering him to appear before him and show cause why said bees and apiary equipment should not be destroyed, and upon hearing the evidence in said case, said court or magistrate may order said bees and equipment destroyed, and may order the owner or keeper to pay all court costs.

**Sec. 6. Fee for destruction of bees and equipment.** If said bees and equipment are not destroyed within the time fixed by such order, the court or magistrate making said order may upon application by the complainant or any other person, issue his warrant directed to the state apiarist, any of his deputies, or to any sheriff or deputy sheriff in the county where the bees or equipment are located, commanding such officer forthwith to destroy said bees and equipment, and to make return of his doing on said warrant to the court or magistrate issuing the same, within 5 days from the date thereof. The officer shall receive from the county treasury \$5 for executing said warrant to destroy said bees and equipment, together with his legal fees for travel.

**Sec. 7. Quarantine to be maintained; indemnity.** The commissioner of agriculture upon the recommendation of the state apiarist, shall establish and maintain such quarantine of honey bees, apiaries and apiary equipment, places, or localities, as he may deem necessary to prevent the spread of any bee disease. The commissioner of agriculture shall cause all bees, and apiary equipment found to be diseased, to be appraised at their true value at the time they are condemned, and he shall pay out of any money appropriated by the legislature for the support or maintenance of the depart-

ment of agriculture, an indemnity, but such indemnity paid by the state shall not exceed \$5 per colony in any removable frame hive and shall not exceed 75% of the true value for any apiary equipment.

**Sec. 8. Penalty.** Any person who knowingly and wilfully refuses permission to the state apiarist, or any of his deputies, to make, or who obstructs the state apiarist, or any of his deputies in making necessary examinations of, and as to bees and apiary equipment, supposed by said apiarist to be diseased as aforesaid, or in legally destroying the same as herein provided, or who attempts to prevent said apiarist from entering upon the premises and other places hereinbefore specified, where any of said diseases are by the state apiarist or any of his deputies supposed to exist, shall be punished by a fine of not more than \$25, or not more than 30 days in jail.

**Sec. 9. Certificate of inspection.** After each individual apiary has been inspected and found apparently free from American foulbrood or other dangerous contagious or infectious bee diseases and provided all other sections of this act have been complied with, a certificate of inspection shall be issued. Such certificate of inspection shall be valid for the current year or the remainder thereof. However, a certificate of inspection may be revoked at any time whenever the state apiarist in his judgment determines adequate cause for revocation.

**Sec. 10. Registration; fees.** Every person owning or possessing bees shall on or before April 15th file each year with the state apiarist of the state department of agriculture, an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the state apiarist, and such person, firm, or corporation shall pay to the state apiarist by draft or money order made payable to the state department of agriculture at the time of registration the sum of not less than \$1 nor more than \$10 for each owner of an apiary including all his branch apiaries. The scale of said fees to be as follows:

1- 10 colonies .....	\$ 1.00
11- 50 colonies .....	2.00
51-200 colonies .....	4.00
201-300 colonies .....	6.00
301-400 colonies .....	8.00
401- up colonies .....	10.00

and it shall be the duty of the state apiarist to issue and deliver to such applicant a receipt declaring the holder thereof is duly registered and has paid

the fee required by law. All sums collected under the provisions of this section shall be used for carrying out the provisions of this act.

**Sec. 11. False information unlawful.** It shall be unlawful for any person to give false information in any matter pertaining to this act, or to resist, impede, or hinder said state apiarist or his deputies in the discharge of his or their duties.

**Sec. 12. Prevention of spread of disease.** After inspection of infected bees or fixtures or handling diseased bees, the state apiarist or his deputies shall, before leaving the premises, or proceeding to any other apiary, take such measures as shall prevent the spread of the disease by infected material adhering to his person or clothing or to any tools or appliances used by him, which have come in contact with infected materials.

**Sec. 13. Rearing of queen bees for sale.** Any person in the state of Maine engaged in rearing of queen bees for sale, shall not use honey in the making of candy for the use in mailing-cages. Any such person engaged in the rearing of queen bees shall have his queen rearing and queen mating apiary or apiaries inspected at least once during each summer season by the state apiarist or his deputies and on the discovery of the existence of any disease which is infectious or contagious in its nature and injurious to bees in their eggs, larval, pupal, or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the state apiarist shall declare the said apiary free from disease.

**Sec. 14. Sealing of hives.** Persons engaged in bee-keeping shall provide movable frames in all hives used by them to contain bees, and to cause the bees in such hives to construct brood combs in such frames so that any of said frames may be removed from the hive without injuring other combs in such hive. Any person keeping bees within the state of Maine shall securely and tightly close the entrance of any hives in apiaries not free from disease in which the bees shall have died either during the winter or any other time, and to make the hive or hives tight in such manner that robber bees shall not find it possible to enter or leave such hive or obtain honey therefrom. The sealing of such hives must be maintained so long as the hives remain in any place where honey bees can gain access to them.

**Sec. 15. Combs and frames taken from diseased colonies to be burned and buried.** It shall be the duty of anyone keeping bees in the state of Maine to burn and bury combs and frames taken from diseased colonies in places where they shall remain undisturbed. Anyone exposing comb, honey, frames, quilts, empty hives, covers or bottom-boards or tools or

other appliances contaminated by infected material from the same, from diseased colonies, shall upon conviction thereof, be punished as provided in this act.

**Sec. 16. Transportation of bees into state; prohibition.** All bees in combless packages which may be brought into this state from other states or other countries must be accompanied by a certificate of health issued by the official inspector of the state or country from whence they came. The transportation of bees into this state without said certificate of health by any person or persons or by common carriers is expressly prohibited.

**Sec. 17. All bees, hives, etc., brought into state to be accompanied by certificate of health.** All bees on combs, used hives or other used apiary appliances brought into this state from other states or countries must be accompanied by a valid certificate of health issued by the official inspector of the place of origin and such a certificate of health shall certify to the apparent freedom from foulbrood or any other contagious or infectious bee disease or contamination and must be based on the actual inspection of said bees and material within 60 days preceding the date of shipment; and any person, before transporting bees into this state, must provide the Maine state apiarist with at least a 30-day notice preceding the date of shipment whereupon a permit will be issued for transportation of such shipment into this state and such bees must immediately upon being brought into this state comply with registration as provided for in section 10 of this act.

**Sec. 18. Operator or owner of honey house to obey notice and warning; penalty.** Whenever it is determined by the state apiarist or his deputies that unsanitary conditions exist or are permitted to exist in the operation of any honey houses or building or portion of a building in which honey is stored, graded, or processed, the operator or owner of said honey house or building shall be first notified and warned by the state apiarist or his deputy to place such honey house or building in a sanitary condition within a reasonable length of time; and any operator or owner of such honey house or building, failing to obey such notice and warning, shall be guilty of a misdemeanor and shall be punished as provided in this act.

**Sec. 19. Assessors to list all honey bee owners.** Assessors of taxes shall include in their inventories, lists of all honey bees owned by or in the possession of any inhabitant on the 1st day of April, together with the name of the owner or keeper of said bees, and they shall make a return of the same to the commissioner of agriculture on or before the 1st day of May.

**Sec. 20. Jurisdiction.** Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of actions brought for the recovery of penalties imposed by the provisions of this act, and of prosecutions for violations of the provisions thereof.

**Sec. 21. County attorney to prosecute violations.** Each county attorney shall prosecute all violations of this act occurring within his county, when such cases may come to his knowledge or when he may be so requested by the commissioner of agriculture, or anyone charged with its enforcement.

**Sec. 22. Unconstitutionality of part not to affect validity of remaining portion.** If any part of the act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

**Sec. 23. Appropriation.** There is hereby appropriated the sum of \$2,000 annually to carry out the provisions of this act.

**Sec. 24. R. S., c. 43, §§ 18, 20, repealed.** Sections 18 and 20 of chapter 43 of the revised statutes are hereby repealed.