

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)

SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1861

H. P. 1745

House of Representatives, January 24, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Damren of Belgrade.

Cosponsor: Mr. Rollins of Dixfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Revise and Strengthen the Bee Industry Law.

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

Sec. 1. 7 MRSA Part 5 is enacted to read:

PART 5

AGRICULTURAL ENTOMOLOGIST

CHAPTER 451

GENERAL PROVISIONS

§ 2401. Legislative intent

The Legislature recognizes the major environmental significance of insects, including insects which are harmful to production and those which are beneficial, such as bees, to the production of every agricultural commodity produced in this State. The Legislature declares that it is of crucial public interest to establish, within the Department of Agriculture, a permanent capability to provide scientific, entomological advice to the commissioner and to carry out appropriate programs under his direction. The Legislature directs the commissioner to establish this capability.

§ 2402. Agricultural entomologist

There is established within the Department of Agriculture the position of agricultural entomologist. The agricultural entomologist shall be appointed by the commissioner, subject to the Personnel Law. The commissioner shall determine who shall supervise and direct the agricultural entomologist and shall determine his organizational location within the department. The agricultural entomologist may direct and supervise such other employees as are assigned to him by the commissioner, consistent with the law. The commissioner may appoint another department officer or employee to temporarily act as agricultural entomologist when the position is vacant.

§ 2403. Qualifications

At a minimum, the agricultural entomologist shall:

1. **Education and experience. Possess:**
 - A. A baccalaureate degree in entomology, biology or zoology or the equivalent; or
 - B. An equivalent combination of education and experience; and
2. **Knowledge. Be knowledgeable, through either experience or education, of agricultural entomology and beekeeping, including the management of an apiary.**

§ 2404. Duties

The agricultural entomologist shall:

1. **Advice to commissioner. At least annually, and otherwise at his own initiative, advise the commissioner with respect to entomological questions;**
2. **Programs. Propose and, with the approval of the commissioner, implement programs of entomological services to other governmental agencies and to the public, which services may include educational and promotional activities;**
3. **Administration. Administer the bee industry law; and**
4. **Rules. Adopt rules necessary for his duties pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.**

Sec. 2. 7 MRSA § 2501, first sentence, as amended by PL 1977, c. 157, § 1, is further amended to read:

All persons owning bees within the State shall annually notify the commissioner of the keeping of bees and the location thereof and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee of ~~10¢~~ 25¢ per colony for all bees in the hive on June 15th of each year.

Sec. 3. 7 MRSA § 2501, 2nd sentence, is amended to read:

No license fee returned shall be less than \$1 \$2 per beekeeper.

Sec. 4. 7 MRSA § 2551, as amended by PL 1977, c. 157, § 5, is further amended to read:

§ 2551. Bee inspectors

The commissioner ~~shall~~ **may** employ one or more persons qualified by experience and knowledge in beekeeping and detection of bee diseases as inspectors of apiaries, who shall serve during the pleasure of the commissioner. **The agricultural entomologist shall be a bee inspector. No person may be a bee inspector who owns more than 100 colonies of bees subject to this Part.**

Sec. 5. 7 MRSA § 2552, as amended by PL 1977, c. 157, §§ 6, and 7, is further amended by adding at the end the following new sentence:

The agricultural entomologist may not be paid a per diem allowance.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1980-81

AGRICULTURE, DEPARTMENT OF

Agricultural Entomologist

Positions	(1)
Personal Services	\$16,721
All Other	2,000
Capital Expenditures	700
	<hr/>
Total	\$19,421

These funds are to pay the salary and expenses of the newly-created agricultural entomologist. The funds shall be expended as closely as possible in the following proportions: Not less than 2/3 shall be expended to administer educational, promotional and regulatory programs for the state's bee industry, and not more than 1/3 for programs other than for the bee industry.

STATEMENT OF FACT

Summary. This bill establishes the position of agricultural entomologist to provide entomologist services for the bee industry and others and to strengthen the state's bee industry law.

The bill is needed because:

1. The current bee industry law is being enforced only on a part-time and inadequate basis; and

2. Strengthening and enforcing the law will have a significant, positive effect on the state's beekeeping industry which has over 500 beekeepers with over 7,000 colonies; the 8,000 to 12,000 colonies that are annually imported into the State for pollination purposes; and the state's agricultural industry, several sectors of which depend on honeybee pollination because of lack of natural pollination due in part to pesticide use. Sales by 2 such sectors, Maine apple and blueberry growers, total \$15 - 20 million each year.

The Maine Bee Industry. Accurate statistics on the bee industry are virtually nonexistent. Department of Agriculture and industry sources estimate as follows.

1. There are over 7,000 colonies of bees registered in the State, owned by about 500 beekeepers; about 1/2 of these colonies are owned by about 10 large beekeepers.

2. In addition, 8,000 to 12,000 colonies are brought into the State each year for pollination purposes, and then are taken out of the State. These bees, and many of the instate bees owned by the largest beekeepers, are trucked from one pollination site to the next as pollination is needed during the year. The pollination sites are located throughout the eastern seaboard, extending as far south as Florida.

3. Although the production of honey and beeswax provides income to beekeepers, the main economic impact of the industry is in pollination. The impact is very significant because of the destruction of natural insect pollinators by pesticides and of the efficiency of pollinating with clusters of colonies, the state apple and blueberry industries are dependent upon pollination by honeybees. Virtually all of the 8,000 - 12,000 out-of-state colonies and perhaps 1/2 of the instate colonies are set out for pollination. Reduction or elimination of a significant share of these colonies, as by disease, would have a profound impact on the production of apples and blueberries for which Maine growers each year receive \$15 - 20 million in income.

4. As with domestic animals, bees are subject to a number of contagious diseases. These diseases range from the mildly serious to diseases which can rapidly and significantly decimate bee populations and there is no cure. Such a disease, for example, is American Foulbrood, a significant number of cases of which has already been discovered in Maine. Such diseases can be transmitted from bees and equipment. Beekeepers, both commercial and hobbyists, purchase bees and equipment each year from sources within and without the State, creating the opportunity for transmission of diseases and the need for inspection and enforcement.

Problems. Several major problems exist with respect to the bee industry and its law.

1. Virtually all of the enforcement of the law is done by a part-time inspector who is hired on an hourly basis intermittently throughout the year. The budget for inspection is hopelessly inadequate to the task. As a consequence, diseases go undetected and spread. Industry experts estimate that fewer than 100 state beekeepers can recognize diseases in their own colonies. The potential for an epidemic spread of disease exists. Unlike domestic animal diseases, which often are more readily observable and are usually identified early by veterinarians, bee diseases have the potential to be spread widely before they are identified.

2. A significant number of instate colonies is not registered as required by law. This is due both to ignorance of requirements and to lack of enforcement. Registration is important to:

A. Facilitate disease control;

B. Encourage better cultural practices through, for example, exchange of information; and

C. Permit coordination with pesticide control programs—without coordination, the pesticide control program can render impotent or destroy completely the bee colonies which are essential to the crops the program seeks to preserve.

3. A significant number of colonies brought into Maine for pollination is not certified as required. A certification program, with the potential for inspection, is crucial to protect instate colonies from disease and to assure an adequate supply of healthy colonies from all sources to pollinate instate crops.

In addition, adequate programs of registration, certification, inspection and enforcement will help assure that colonies in Maine will be admitted to other states. This is crucial to the Maine bee, apple and blueberry industries.

4. Within the State, there is no service to which beekeepers can look for professional assistance, such as is provided by the Extension Service and the Department of Agriculture to other sectors of agriculture.

This bill. This bill attempts to solve the problems above and to strengthen the state bee and related agricultural industries. The provisions of the bill are as follows:

1. It establishes, within the Department of Agriculture, the position of full-time agricultural entomologist, qualified by education and experience. The agricultural entomologist will be a full-time employee who will administer the bee laws, but will also be available to provide other entomological services to the department. For example, he will be available to provide advice on insect problems to potato growers and chicken farmers.

2. The agricultural entomologist is made responsible for more systematic programs of inspection, certification and treatment and destruction of infected colonies, all of which are required by existing law.

3. He will also supply new services to the bee industry in addition to those outlined above. For example, he will be able to provide voluntary disease inspection and apiary management and pesticide control training. In addition, he will investigate complaints involving bees as a danger or nuisance.

4. The bill provides an appropriation to fund the changes proposed and provides for a small increase in registration fees.

This bill requires a small appropriation. However, the appropriation tends to overstate the additional cost of the bill because:

1. The additional cost of a full-time agricultural entomologist, i.e., an Entomologist I, will be offset at least in part by the increased receipts to the General Fund of registration and certification fees due to the fee increase and to more systematic application of the law; and

2. The Department of Agriculture currently budgets about \$3,700 per year for the expenses of a part-time bee inspector.