

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 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1730

6 H.P. 1223

House of Representatives, December 26, 1985

7 Submitted by the Department of Agriculture, Food and Rural Resources
8 pursuant to Joint Rule 24.

9 Received by the Clerk of the House on December 26, 1985. Referred to
10 the Committee on Agriculture and 1,600 ordered printed pursuant to Joint
Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Daggett of Manchester.

11 Cosponsored by Senator Erwin of Oxford, Representative Michael of
Auburn and Representative Lord of Waterboro.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Revise the Maine Apiary Laws.
18

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

21 7 MRSa Pt. 6, as amended, is repealed and the
22 following enacted in its place:

23 PART 6

24 HONEYBEE INDUSTRY

25 CHAPTER 521

26 LICENSING REQUIREMENTS

27 §2701. Licensing

28 All persons owning honeybees within the State
29 shall annually notify the commissioner of the keeping
30 of bees and the location of the bees and shall for-
31 ward to the commissioner for deposit with the Trea-

1 surer of State an annual license fee not to exceed
2 50¢ per colony for all bees kept on June 15th of each
3 year. Fees shall be established by rule in accordance
4 with the Maine Administrative Procedure Act, Title 5,
5 chapter 375. No license fee returned may be less than
6 \$2 per beekeeper. License fees shall accrue to the
7 General Fund.

8 Between 14 and 30 days prior to June 15th annual-
9 ly, the commissioner shall cause notice of the annual
10 notification and license fee requirement to be pub-
11 lished at least twice in the state newspaper and in
12 other newspapers or journals of general circulation
13 adequate to provide reasonable notice throughout the
14 State.

15 CHAPTER 523

16 IMPORTATION REQUIREMENTS

17 §2751. Import permits

18 Honeybees or used honeybee equipment shipped or
19 moved from any other state or country into this State
20 must be accompanied by a permit issued by the Depart-
21 ment of Agriculture, Food and Rural Resources. The
22 department shall issue a permit for the importation
23 of honeybees or used honeybee equipment when the ap-
24 plicant submits a completed application form, a cer-
25 tified health certificate and the registration fee.
26 The application, certificate of inspection and regis-
27 tration fee must be received by the department and
28 the permit issued prior to movement of honeybees or
29 equipment into the State.

30 §2752. Application forms

31 Application forms shall be supplied by the de-
32 partment upon request and the following information
33 must be supplied by the applicant:

34 1. Number of hives or boxes. The number of hives
35 or the number of boxes containing comb, or both, to
36 be moved;

37 2. Place of origin. The locality; city or cities,
38 if any; the county or counties; and the state of ori-
39 gin of the hives or boxes of comb;

1 3. Destination. The property, locality and coun-
2 ty in which the hives or boxes of comb will be
3 placed;

4 4. Date of entry. The proposed date of entry in-
5 to the State;

6 5. Purpose. Facts pertaining to the purpose for
7 which the honeybees and boxes of comb, or both, are
8 to be moved, including evidence establishing the ex-
9 istence of a contractor agreement for pollination
10 services; and

11 6. Bees leased or brokered for pollination pur-
12 poses. In the event that honeybees are leased or
13 brokered to another beekeeper for pollination pur-
14 poses:

15 A. The name and address of the individual who
16 leased the bees to the pollinator; and

17 B. A list of all brands or other evidence of
18 identity of brokered bees.

19 §2753. Certificates of inspection

20 No honeybees or used honeybee equipment may be
21 shipped into the State without a health certificate
22 signed by a legally authorized inspector at the point
23 of shipment indicating that they are free from regu-
24 lated contagious or infectious diseases and parasites
25 based on actual inspection made within 30 days of the
26 date of the shipment. These certificates must also
27 indicate the destination of the bees or equipment
28 within the State.

29 §2754. Registration fees

30 A registration fee not to exceed 50¢ per colony
31 for all bees to be shipped or moved into the State
32 shall be forwarded to the commissioner for deposit
33 with the Treasurer of State. Fees shall be estab-
34 lished by rule in accordance with the Maine Adminis-
35 trative Procedure Act, Title 5, chapter 375. The fees
36 shall accrue to the General Fund.

1 CHAPTER 525

2 DISEASE CONTROL

3 §2771. Disease and parasites of honeybees

4 The commissioner shall adopt rules to designate
5 the diseases and parasites to be regulated in accord-
6 ance with the Maine Administrative Procedure Act, Ti-
7 tle 5, chapter 375. All honeybees infected with the
8 disease known as American Foulbrood, European Foul-
9 brood or other regulated honeybee diseases and
10 parasites, together with the equipment contaminated
11 by any such disease or parasite, are declared to be a
12 danger to spreading these diseases and parasites. All
13 honeybees and equipment which are suspected by the
14 commissioner to be infected or infected with a regu-
15 lated disease or parasite shall be quarantined in a
16 location stipulated by the commissioner. The presence
17 of a regulated disease or parasite shall be confirmed
18 using a suitable method and qualified agency autho-
19 riized by the commissioner. Upon confirmation, the
20 beekeeper shall be notified by a state bee inspector
21 and allowed 7 days to eliminate the disease in a man-
22 ner prescribed by the commissioner. If no corrective
23 action is taken within 7 days, the infected or in-
24 festated colonies shall be abated by a bee inspector in
25 a manner prescribed by rule in accordance with the
26 Maine Administrative Procedure Act, Title 5, chapter
27 375.

28 §2772. Possession

29 It is unlawful for any person to knowingly own or
30 possess honeybees having any contagious or infectious
31 disease or parasite or bee equipment and appliances
32 contaminated by any such disease or parasite. It is
33 unlawful to sell, barter or give away bees, equipment
34 or appliances from any apiary without a certificate
35 of inspection from a qualified bee inspector.

36 CHAPTER 527

37 INSPECTION

38 §2801. Inspection duties

1 The State Apiarist and part-time bee inspectors
2 employed by the commissioner shall make such inspec-
3 tions of the apiaries or hive locations throughout
4 the State as the commissioner deems necessary to de-
5 termine the presence of regulated honeybee diseases
6 or parasites of an infectious or contagious nature.

7 §2802. Part-time bee inspectors

8 The commissioner may employ one or more persons
9 qualified by experience and knowledge in beekeeping
10 and detection of bee diseases as part-time inspectors
11 of apiaries, to assist the State Apiarist.

12 §2803. Employment restrictions

13 The State Apiarist may not own more than 50 colo-
14 nies of honeybees. Any part-time bee inspector may
15 not own more than 100 colonies of honeybees.

16 §2804. Salary

17 Qualified part-time bee inspectors shall be em-
18 ployed on a per diem basis and shall receive neces-
19 sary traveling expenses while actually engaged in the
20 performance of their duties. A part-time bee inspec-
21 tor shall serve during the pleasure of the commis-
22 sioner.

23 §2805. Access to apiaries

24 Inspectors may enter, at all reasonable times,
25 upon the premises of any keeper of bees or hive loca-
26 tions and make the examination of such bees, equip-
27 ment and appliances found on the premises as he may
28 deem necessary to determine the presence of conta-
29 gious or infectious diseases or parasites.

30 §2806. Inspection certificates

31 Any inspector shall, within 30 days after exami-
32 nation, issue certificates that honeybee equipment
33 and appliances are apparently free from regulated
34 disease and parasites or contamination, if so found.
35 The certificates shall be filed as follow: One copy
36 to the commissioner; one copy to the owner; and one
37 copy to the inspector's files.

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

CHAPTER 529

PROTECTION FROM DAMAGE

§2851. Distrubing honeybees on another's land

No person may enter upon the land of another for the purpose of capturing, destroying or interfering with a colony or swarm of honeybees or removing honey, except by the consent of the owner of the land. Violation of any of this section is civil violation for which a forfeiture of not less than \$50 nor more than \$100 shall be adjudged for each violation.

§2852. Damage to hives from bears

Any licensed beekeeper may obtain a permit from the Commissioner of Inland Fisheries and Wildlife or his agents to protect hives from damage by bears.

CHAPTER 531

RULES AND VIOLATIONS

§2871. Rules

The commissioner shall adopt rules to enforce this Part in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

§2872. Violations

A violation of chapter 521, 523 or 527 is a civil violation for which a forfeiture of not less than \$1 nor more than \$50 shall be adjudged for each colony in violation of these chapters.

1

STATEMENT OF FACT

2 This bill repeals and replaces the current Maine
3 apiary laws and reorganizes the laws. It strengthens
4 the Maine apiary laws to prevent the introduction and
5 spread of honeybee diseases and parasites. It ad-
6 dresses both current and potential health problems.
7 The bill clarifies the health requirements for bees
8 entering the State to pollinate blueberry and apple
9 crops. It defines stricter notification requirements
10 for importing bees into the State. The bill imposes
11 stricter penalties for violations.

12

5396120985