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 electronic originals (may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1106

H.P. 767

House of Representatives, March 26, 2015

An Act To Compensate Beekeepers for Hive Losses

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

R(+ B. Hunt ROBERT B. HUNT

Clerk

Presented by Representative McCABE of Skowhegan.

Cosponsored by Representatives: DUNPHY of Old Town, HARLOW of Portland, HICKMAN of Winthrop, McELWEE of Caribou.

I	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 7 MRSA Pt. 6-A, c. 519 is enacted to read:
3	CHAPTER 519
4	DEFINITIONS
5	§2691. Definitions
6 7	As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.
8 9	1. Apiary. "Apiary" means a place where a collection of one or more hives or colonies of honeybees or the nuclei of honeybees are kept.
10 11	2. Colony. "Colony" means the aggregate of worker honeybees, drones, the queen and developing young honeybees living in a hive or other dwelling.
12 13 14	3. Hive. "Hive" means a frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part of one, that is used to house honeybees.
15 16	4. Honeybee. "Honeybee" means any stage of the common honeybee, Apis mellifera.
17	5. Honeybee owner. "Honeybee owner" means a person who owns an apiary.
18	Sec. 2. 7 MRSA §2871, as enacted by PL 1985, c. 572, is amended to read:
19	§2871. Rules
20 21 22	The commissioner shall adopt rules to <u>implement and</u> enforce this Part in accordance with the Maine Administrative Procedure Act, <u>Title 5</u> , <u>chapter 375</u> . <u>Rules adopted under this section are routine technical rules as defined in Title 5</u> , <u>chapter 375</u> , <u>subchapter 2-A</u> .
23	Sec. 3. 7 MRSA c. 533 is enacted to read:
24	CHAPTER 533
25	COMPENSATION FOR HONEYBEES KILLED BY PESTICIDES
26	§2891. Compensation for honeybees killed by pesticides
27 28 29	A person may be compensated for an acute pesticide poisoning resulting in the death of honeybees or loss of honeybee colonies owned by the person in accordance with this section.
30 31	1. Compensation. If the department determines that honeybee death or loss of a honeybee colony was caused by an acute pesticide poisoning and the pesticide applicator:

- A. Cannot be identified or applied the pesticide product in a manner consistent with the pesticide product's label, the department may compensate the honeybee owner from the Honeybee Compensation Fund established in subsection 6 for the fair market value of the honeybees or honeybee colony; or B. Can be identified and applied the pesticide product in a manner inconsistent with the product's label, the department may collect a penalty from the pesticide applicator sufficient to compensate the honeybee owner for the fair market value of the honeybees or honeybee colony. The department shall award the penalty collected from the pesticide applicator under this paragraph to the honeybee owner and may not otherwise compensate the honeybee owner. The fair market value under this subsection is determined by the department upon
 - The fair market value under this subsection is determined by the department upon recommendation by academic experts and honeybee owners. In any fiscal year, the department may not compensate a honeybee owner for a claim that is less than \$100 or for total claims in excess of \$20,000.
 - **2.** Claim form. In order to receive compensation under this section, a honeybee owner must file a claim on forms provided by the department.
 - 3. Denial of compensation. If the department denies compensation claimed by a honeybee owner under this section, the department shall issue a written decision based upon the available evidence. The decision must include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. The department shall mail a copy of the decision to the honeybee owner.
 - **4. Final agency action.** A decision to deny compensation claimed under this section is a final agency action for the purposes of judicial review under Title 5, section 11001.
 - 5. Deduction from payment. The department shall reduce a payment made to a honeybee owner under this section by any compensation received by the honeybee owner for dead honeybees and honeybee colony losses as proceeds from an insurance policy or from any other source.
 - 6. Honeybee Compensation Fund. The Honeybee Compensation Fund is established as a dedicated, nonlapsing fund administered by the Department of Agriculture, Conservation and Forestry for the purpose of providing compensation to honeybee owners in accordance with this section. The fund consists of money appropriated by the Legislature and other funds from any public or private source received for use for the purpose for which the fund is established.
 - **Sec. 4. Rulemaking.** By December 15, 2015, the Department of Agriculture, Conservation and Forestry shall adopt rules necessary for the implementation of the Maine Revised Statutes, Title 7, chapter 533.

37 SUMMARY

This bill provides for compensation to honeybee owners for honeybee death from the application of pesticides. Under the bill, if honeybee death or loss of a honeybee colony was caused by an acute pesticide poisoning and the pesticide applicator cannot be

identified or the pesticide applicator applied the pesticide product in a manner consistent with the pesticide product's label, the Department of Agriculture, Conservation and Forestry may compensate the honeybee owner for the fair market value of the honeybees or honeybee colony. If the pesticide applicator can be identified and the applicator applied the pesticide product in a manner inconsistent with the product's label, the department may collect a penalty from the pesticide applicator sufficient to compensate the honeybee owner for the fair market value of the honeybees or honeybee colony and shall award the money to the honeybee owner. The bill provides that fair market value is determined by the department upon recommendation by academic experts and honeybee owners.

2 3