

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

exceed his allocation for that river and day. Abuse of this privilege will result in its loss.

Sec. 8. 12 MRSA §7369, sub-§12 is enacted to read:

12. Noncommercial whitewater rafting trips; prior registration required. Any person without a commercial whitewater outfitter's license using a whitewater craft on any stretch of river for which a specific allocation is required, and including days for which an allocation is not required, shall, prior to launching the craft, file a noncommercial trip registration form with the department. The form shall state that the person's use of whitewater craft on this river stretch does not constitute a commercial whitewater trip as defined in section 7363 and shall be signed by all persons using the craft.

Sec. 9. 12 MRSA §7369-A, sub-§4, as enacted by PL 1983, c. 502, §4, is amended to read:

4. Sunset. The Whitewater Advisory Committee shall terminate June 30, ~~1986~~ 1990.

Sec. 10. Allocation. The following funds are allocated for the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1986-87

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Bureau of Warden Services	
Personal Services	\$300
All Other	<u>300</u>
TOTAL	\$600

Effective July 16, 1986.

CHAPTER 572

H.P. 1223 - L.D. 1730

AN ACT to Revise the Maine Apiary Laws.

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

Whereas, the production of blueberry and apple crops depends upon pollination by honeybees; and

Whereas, the ability of honeybees to pollinate the blueberry and apple crops is dependent upon healthy bees making a timely migration into the State; and

Whereas, diseases may be spread from honeybees of migratory beekeepers to those owned by commercial and hobby residential beekeepers; and

Whereas, the Department of Agriculture, Food and Rural Resources is responsible for enforcement of the apiary laws to ensure that only healthy honeybees enter the State; and

Whereas, the Department of Agriculture, Food and Rural Resources requests these changes to strengthen enforcement capabilities; 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:

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

PART 6

HONEYBEE INDUSTRY

CHAPTER 521

LICENSING REQUIREMENTS

§2701. Licensing

All persons owning honeybees within the State shall annually notify the commissioner of the keeping of bees and the location of the bees and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee not to exceed 50¢ per colony for all bees kept on June 15th of each year. Fees shall be established by rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. No license fee returned may be less than

\$2 per beekeeper. License fees shall accrue to the General Fund.

Between 14 and 30 days prior to June 15th annually, the commissioner shall cause notice of the annual notification and license fee requirement to be published at least twice in the state newspaper and in other newspapers or journals of general circulation adequate to provide reasonable notice throughout the State.

CHAPTER 523

IMPORTATION REQUIREMENTS

§2751. Import permits

Honeybees or used honeybee equipment shipped or moved from any other state or country into this State must be accompanied by a permit issued by the Department of Agriculture, Food and Rural Resources. The department shall issue a permit for the importation of honeybees or used honeybee equipment when the applicant submits a completed application form, a certified health certificate and the registration fee. The application, certificate of inspection and registration fee must be received by the department and the permit issued prior to movement of honeybees or equipment into the State.

§2752. Application forms

Application forms shall be supplied by the department upon request and the following information must be supplied by the applicant:

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

2. Place of origin. The locality; city or cities, if any; the county or counties; and the state of origin of the hives or boxes of comb;

3. Destination. The property, locality and county in which the hives or boxes of comb will be placed;

4. Date of entry. The proposed date of entry into the State;

5. Purpose. Facts pertaining to the purpose for which the honeybees and boxes of comb, or both, are

to be moved, including evidence establishing the existence of a contractor agreement for pollination services; and

6. Bees leased or brokered for pollination purposes. In the event that honeybees are leased or brokered to another beekeeper for pollination purposes:

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

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

§2753. Certificates of inspection

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

§2754. Registration fees

A registration fee not to exceed 50¢ per colony for all bees to be shipped or moved into the State shall be forwarded to the commissioner for deposit with the Treasurer of State. Fees shall be established by rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The fees shall accrue to the General Fund.

CHAPTER 525

DISEASE CONTROL

§2771. Disease and parasites of honeybees

The commissioner shall adopt rules to designate the diseases and parasites to be regulated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. All honeybees infected with the disease known as American Foulbrood, European Foulbrood or other regulated honeybee diseases and parasites, together with the equipment contaminated by any such disease or parasite, are declared to be a danger to spreading these diseases and parasites. All honeybees and equipment which are suspected by the

commissioner to be infected or infested with a regulated disease or parasite shall be quarantined in a location stipulated by the commissioner. The presence of a regulated disease or parasite shall be confirmed using a suitable method and qualified agency authorized by the commissioner. Upon confirmation, the beekeeper shall be notified by a state bee inspector and allowed 7 days to eliminate the disease in a manner prescribed by the commissioner. If no corrective action is taken within 7 days, the infected or infested colonies shall be abated by a bee inspector in a manner prescribed by rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

§2772. Possession

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

CHAPTER 527

INSPECTION

§2801. Inspection duties

The State Apiarist and part-time bee inspectors employed by the commissioner shall make such inspections of the apiaries or hive locations throughout the State as the commissioner deems necessary to determine the presence of regulated honeybee diseases or parasites of an infectious or contagious nature.

§2802. Part-time bee inspectors

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

§2803. Employment restrictions

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

§2804. Salary

Qualified part-time bee inspectors shall be employed on a per diem basis and shall receive neces-

sary traveling expenses while actually engaged in the performance of their duties. A part-time bee inspector shall serve during the pleasure of the commissioner.

§2805. Access to apiaries

Inspectors may enter, at all reasonable times, upon the premises of any keeper of bees or hive locations and make the examination of such bees, equipment and appliances found on the premises as he may deem necessary to determine the presence of contagious or infectious diseases or parasites.

§2806. Inspection certificates

Any inspector shall, within 30 days after examination, issue certificates that honeybee equipment and appliances are apparently free from regulated disease and parasites or contamination, if so found. The certificates shall be filed as follows: One copy to the commissioner; one copy to the owner; and one copy to the inspector's files.

CHAPTER 529

PROTECTION FROM DAMAGE

§2851. Disturbing 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 a 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 or his designee 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.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 10, 1986.

CHAPTER 573

H.P. 1301 - L.D. 1817

**AN ACT Regarding Funds Generated by the Sales
of Duck Stamps and Prints.**

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

Sec. 1. 12 MRSA §7109, sub-§5, as enacted by PL 1983, c. 807, Pt. L, §2, is amended to read:

5. Design of permit; sale of prints; revenue from permits and prints. The design of permits and sale of prints shall be as follows.

A. The commissioner may provide for the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit and shall establish by rule the procedures governing the design of the permit and reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit.

B. Notwithstanding paragraph A, in an effort to expedite the 1984 fall season issue of the first migratory waterfowl stamp, the commissioner may enter into a contract, prior to the promulgation of rules, for the design and issuance of the permit and reproduce, sell, license, distribute or otherwise dispose of any art created in conjunction with it, including the establishment of a fee schedule for contract services.

C. The design of the permit and any art created in conjunction with it may be selected through an