



# 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.

A handwritten signature in cursive script that reads "Robert 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.

1 **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 As used in this Part, unless the context otherwise indicates, the following terms have  
7 the following meanings.

8 **1. Apiary.** "Apiary" means a place where a collection of one or more hives or  
9 colonies of honeybees or the nuclei of honeybees are kept.

10 **2. Colony.** "Colony" means the aggregate of worker honeybees, drones, the queen,  
11 and developing young honeybees living in a hive or other dwelling.

12 **3. Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep or any  
13 other receptacle or container, natural or artificial, or any part of one, that is used to house  
14 honeybees.

15 **4. Honeybee.** "Honeybee" means any stage of the common honeybee, *Apis*  
16 *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 The commissioner shall adopt rules to implement and enforce this Part in accordance  
21 with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~. Rules adopted under  
22 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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 A person may be compensated for an acute pesticide poisoning resulting in the death  
28 of honeybees or loss of honeybee colonies owned by the person in accordance with this  
29 section.

30 **1. Compensation.** If the department determines that honeybee death or loss of a  
31 honeybee colony was caused by an acute pesticide poisoning and the pesticide applicator:

1 A. Cannot be identified or applied the pesticide product in a manner consistent with  
2 the pesticide product's label, the department may compensate the honeybee owner  
3 from the Honeybee Compensation Fund established in subsection 6 for the fair  
4 market value of the honeybees or honeybee colony; or

5 B. Can be identified and applied the pesticide product in a manner inconsistent with  
6 the product's label, the department may collect a penalty from the pesticide applicator  
7 sufficient to compensate the honeybee owner for the fair market value of the  
8 honeybees or honeybee colony. The department shall award the penalty collected  
9 from the pesticide applicator under this paragraph to the honeybee owner and may  
10 not otherwise compensate the honeybee owner.

11 The fair market value under this subsection is determined by the department upon  
12 recommendation by academic experts and honeybee owners. In any fiscal year, the  
13 department may not compensate a honeybee owner for a claim that is less than \$100 or  
14 for total claims in excess of \$20,000.

15 **2. Claim form.** In order to receive compensation under this section, a honeybee  
16 owner must file a claim on forms provided by the department.

17 **3. Denial of compensation.** If the department denies compensation claimed by a  
18 honeybee owner under this section, the department shall issue a written decision based  
19 upon the available evidence. The decision must include specification of the facts upon  
20 which the decision is based and the conclusions on the material issues of the claim. The  
21 department shall mail a copy of the decision to the honeybee owner.

22 **4. Final agency action.** A decision to deny compensation claimed under this section  
23 is a final agency action for the purposes of judicial review under Title 5, section 11001.

24 **5. Deduction from payment.** The department shall reduce a payment made to a  
25 honeybee owner under this section by any compensation received by the honeybee owner  
26 for dead honeybees and honeybee colony losses as proceeds from an insurance policy or  
27 from any other source.

28 **6. Honeybee Compensation Fund.** The Honeybee Compensation Fund is  
29 established as a dedicated, nonlapsing fund administered by the Department of  
30 Agriculture, Conservation and Forestry for the purpose of providing compensation to  
31 honeybee owners in accordance with this section. The fund consists of money  
32 appropriated by the Legislature and other funds from any public or private source  
33 received for use for the purpose for which the fund is established.

34 **Sec. 4. Rulemaking.** By December 15, 2015, the Department of Agriculture,  
35 Conservation and Forestry shall adopt rules necessary for the implementation of the  
36 Maine Revised Statutes, Title 7, chapter 533.

37 **SUMMARY**

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

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