**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

 **DIVISION OF ANIMAL AND PLANT HEALTH**

**Chapter 270: MAINE APIARY PROGRAM RULES AND REGULATIONS**

**INTRODUCTION**

**I. Statutory Authorization and Scope**

 A. The statutory authority for the Maine Apiary Program is found in 7 MRSA chapters 521, 523, 525, 527, 529, 531.

 B. The statutory authority for proposing and adopting rules is found in 5 MRSA, The *Maine Administrative Procedure Act*, Chapter 375.

**II. Definition of Terms**

 A. The terms used in these rules are defined below:

 1. **Abate** means to take steps to terminate the risk of spread of contamination including destruction of contaminated hives and/or equipment.

 2. ***Acarapis woodi*** means an endoparasitic mite of adult honey bees that lives in the anterior thoracic trachea,commonly referred to as the " tracheal mite".

 3. **Africanized honey bee** means honey bees of the subspecies Apis mellifera scutellata.

 4. **American foulbrood** means an infectious spore-forming bacterial disease caused by *Bacillus larvae*.

 5. **Apiary** means all colonies, hives, and equipment assembled in one location.

6. **Beehive** means man-made box or receptacle for housing a colony of bees.

 7. **Brood** means all bees in their immature stages (eggs, larvae, and pupa).

 8. **Certified health certificate** means a statement issued by a state or federal official certifying that bees or beekeeping equipment are apparently free of regulated pests, diseases, or genetic material based on an inspection.

 9. **Chalkbrood** means the fungal disease of honey bee larvae caused by *Ascosphaera apis*.

 10. **Colony** means an aggregate of worker bees, drones, queen, and developing young, living together in a hive or other dwelling.

 11. **Commissioner** means the Commissioner of the Maine Department of Agriculture, Conservation and Forestry.

 12. **Contaminated** means infected, exposed to infection, or liable to carry infection, with disease of the honey bee.

 13. **Department** means the Maine Department of Agriculture, Conservation and Forestry.

 14. **Disease** means any contagious and infectious pathogen or parasite of honey bees which is detrimental to beekeeping and the beekeeping industry, such as American foulbrood, European foulbrood, and Chalkbrood.

 15. **European foulbrood** means bacterial disease of honey bee larvae caused by *Melissococcus pluton*.

 16. **Frame** means the movable wooden or plastic enclosing border of honeycomb.

 17. **Genetic material** means any material used in biological reproduction, including, but not limited, to all life stages of bees, sperm, and ova.

 18. **Hive** means man-made home for honey bees, also, referred to as a colony.

 19. **Hive body** means wooden box that encloses the frame for holding honeycomb, also referred to as a super.

 20. **Honey bee** means the species of bee identified as *Apis mellifera*.

 21. **Non-regulated pests and genetic material** means those diseases, pests and parasites or genetic material of minimal impact to the beekeeping industry that are not subject to regulation.

 22. **Nuclei** means any division or portion of a hive that contains comb, immature honey bees, adult honey bees, and a queen honey bee; usually 5 frames or less, used to form a new colony.

 23. **Parasite** means any organism which derives nutrients by living on or in a honey bee and is detrimental to beekeeping and the beekeeping industry, such as *Varroa destructor* and *Tropilaelaps* spp.

 24. **Queen** means sexually developed female honey bee.

 25. **Regulated pests and genetic material** means those diseases, parasites, or genetic material designated by the Commissioner that must be abated due to their negative impact on the beekeeping industry.

 26. **Resmethrin** means a synthetic pyrethroid insecticide used to abate infected or infested honey bee colonies.

 27. **State apiary inspector** means any person designated by the Commissioner to inspect honey bee colonies in order to determine presence of pests or unwanted genetic material and enforce Maine Apiary Program statutes and rules.

 28. **Super** means hive body used for the storage of surplus honeycomb.

 29. ***Tropilaelaps* spp.** means external parasitic mites found on certain species of honey bees.

 30. ***Varroa destructor*** means external parasitic mite of certain species of honey bee that feed on living larvae, pupae, and adult honey bees.

**III. Licensing Requirements**

 A. **Licensing**

 1. All persons owning honey bees that remain within the state shall notify the Commissioner of the number of colonies and their location by June 15th of each year.

2. All persons owning honey bees shall forward to the Commissioner for deposit with the Treasurer of State, an annual license fee in accordance with the fee schedule listed below.

3. All fees received pursuant to this subsection must be paid to the Treasurer of State and credited to a separate, nonlapsing account in the Department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.

 4. No license fee may be less than $10.00 per beekeeper. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may be issued only with the agreement of or at the request of the applicant. The fee for a 2‑year license is 2 times the annual fee. The fee for a 3‑year license is 3 times the annual fee.

 5. **Fee Schedule**

|  |  |
| --- | --- |
| **Number of Colonies** | **License/Permit Fee** |
| 1 – 10 | $10.00 |
| 11 – 30 | 20.00 |
| 31 – 70 | 30.00 |
| 71 – 100 | 40.00 |
| 101 - 200 | 55.00 |
| 201 - 300  | 75.00 |
| 301 - 400  | 90.00 |
| 401 - 500  | 105.00 |
| 501 - 600  | 120.00 |
| 601 - 700  | 135.00 |
| 701 - 800  | 150.00 |
| 801 - 900 | 165.00 |
| 901 - 1000 | 180.00 |
| 1001 - 1500 | 215.00 |
| 1501 - 2000 | 250.00 |
| 2001 - 3000 | 365.00 |
| 3001 - 4000  | 470.00 |
| 4001 - 5000  | 500.00 |
| 5001 - 6000  | 520.00 |
| 6001 - 7000  | 540.00 |
| 7001+  | 550.00 |

**IV. Importation Requirements**

 A. **Import Permits**

 1. Honey bees or used honey bee equipment shipped or moved from any other state or country into the State of Maine must be accompanied by a permit issued by the Department.

 2. The Department shall issue a permit for the importation of honey bees or used honey bee equipment when the applicant submits:

 a. A completed Import Notification of Bees application form;

 b. A certified health certificate from the state of origin; and

 c. The permit fee according to the fee schedule found in III Licencing Requirements Part A, 5. Fee Schedule.

 3. The application, certified health certificate, and permit fee must be received by the Department and the permit issued prior to movement of honey bees or equipment into the State of Maine.

 B. **Application Forms**

 1. An Import Notification of Bees application form shall be supplied by the Department upon request and the following information must be supplied by the applicant.

 a. The number of colonies or the number of boxes containing comb, or both, to be moved into the State of Maine.

 b. **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.

 c. **Destination**. Any property, locality and county in the State of Maine in which the colonies or boxes of comb will be placed.

 d. **Date of entry**. The proposed date of entry into the State of Maine.

 e. **Purpose**. Facts pertaining to the purpose for which the honey bees or equipment are to be moved into the State of Maine.

 f. **Bees leased or brokered for pollination purposes.** In the event that honey bees are leased or brokered to another beekeeper for pollination purposes:

 (1) The name and address of the individual who leased the bees to the pollinator; and

 (2) A list of all brands or other evidence of identity of brokered or leased bees.

 C. **Certification of Health Inspection**

 1. No honey bees or used honey bee equipment may be shipped into the State of Maine without a certified health certificate signed by a legally authorized inspector at the point of shipment indicating that they are free from regulated diseases, parasites, or unwanted genetic material based on actual inspection made within 30 days of the date of shipment.

 2. Certified health certificates shall indicate the city, county and state of origin in addition to the destination of the bees or equipment within the State of Maine.

 D. **Permit Fees**

1. A fee for all bees to be shipped or moved into the State of Maine must be forwarded to the Commissioner for deposit with the Treasurer of State, in accordance with the fee schedule contained in Section III ,Licsening Requirements, Part A, 5. Fee Schedule.
2. All fees received pursuant to this subsection must be paid to the Treasurer, State of Maine and credited to a separate, nonlapsing account in the Department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.

 3. The permit fee for imported colonies must accompany the Import Notification of Bees application form and the certified health certificate prior to issuance of an entry permit from the Department.

**V. Honey Bee Diseases, Parasites, and Genetic Material**

 **A.** **Regulated pests and genetic material shall be**:

 1. American foulbrood (*Bacillus larvae*)

 2. Varroa mite (Varroa jacobsoni)

 3. Tropilaelaps mite (*Tropilaelaps* spp.)

 4. Africanized honey bees (*Apis mellifera scutellata*)

 5. Asian honey bee (*Apis cerana*)

 **B.** **Non-regulated pests and genetic material shall include, but not be limited to:**

 1. Nosema disease (*Nosema apis* and *N. ceranae*)

 2. Chalkbrood (*Ascosphaera apis*)

 3. European foulbrood (*Melissococcus pluton*)

 4. Stonebrood (*Aspergillus flavus*)

 5. Varroa mite (*Varroa destructor*)

 6. Honey bee tracheal mite (*Acarapis woodi*)

 7. Bee lice (*Braula coeca*)

 8. Sacbrood (filterable virus)

 9. Honey bee paralysis (filterable virus)

 10. External mites such as: *Acarapis dorsalis* and *Acarapis externus*

 11. Non-parasitic mites such as: *Mellitiphis alvearius* and *Neocypholaelaps indica*

 **C.** **Regulation**

 1. Honey bees must be maintained in a hive with fully removable frames which permit the thorough examination of every comb in order to detect the presence of disease. Whenever removable frame requirements are not met, the state apiary inspector shall notify the owner of the condition in writing.

 2. All honey bees infected with a regulated honey bee disease, parasite, or unwanted genetic material together with the equipment contaminated by any such disease, parasite, or genetic material are declared to be a danger to spreading the disease or parasite.

 3. All honey bees and equipment which are suspected by the Commissioner to be infected or infested with a regulated disease, parasite, or unwanted genetic material shall be quarantined in a location and manner stipulated by the Commissioner.

 4. The presence of a regulated disease, parasite, or unwanted genetic material shall be confirmed using a suitable method.

 5. Upon confirmation, the beekeeper shall be notified by the state apiary inspector and allowed 7 days to eliminate the condition in a manner prescribed by the Commissioner (Title 7 Maine Revised Statutes, Chapter 525)

 6. If no corrective action is taken within 7 days, the infected or infested colonies shall be abated by the state apiary inspector according to Title 7 Maine Revised Statutes Chapter 525.

 D. **Possession and Sale**

 1. It is unlawful for any person to knowingly own or possess honey bees having any regulated disease, parasite, or unwanted genetic material.

 2. It is unlawful for any person to knowingly own or possess bee equipment and appliances contaminated by any regulated disease, parasite, or unwanted genetic material.

 3. It is unlawful to sell, barter, or give away bees, equipment, or appliances from any apiary without a certificate of inspection from the apiary inspector.

 C. **Procedures for Abatement of Regulated Diseases, Parasites and Unwanted Genetic Material**

 1. **American foulbrood**

1. The diseased honey bees and contaminated equipment may be abated by either the state apiary inspector or beekeeper, with the supervision and approval of the state apiary inspector.
2. The beekeeper, with the approval of the state apiary inspector, may select one of the three procedures outlined below for abatement of American Foulbrood.

 c. **Procedure 1 - Burning**

 (1) Destroy the diseased honey bees with an insecticide such as resmethrin according to label instructions or by pouring 1 cup of diesel fuel into a colony with closed entrances.

 (2) Burn the contaminated hives and equipment, including honey bees, honey, frames, supers, bottoms, and lids, to ash in a hole not less than 18 inches deep. Cover the ash remains with at least 6 inches of soil.

 d. **Procedure 2 - Scorching**

 (1) The scorching procedure must be carried out on calm days and away from buildings.

 (2) Destroy the honey bees and burn the frames, inner cover and queen excluders, as specified by Procedure 1.

 (3) Stack the supers no more than five high, upside down, on a bottom board.

 (4) Pour one cup of a 1:1 (diesel:Kerosene) mix on the bottom board and ignite the mix, creating a "chimney fire". Alternatively, 3-4 crumpled sheets of newspaper may be used as a fuel source.

 (5) The fire must completely fill the area inside the supers; it should burn for, approximately one-half minute.

 (6) To extinguish the fire, place a tight fitting cover on top of the stack, to smother the flames.

 (7) When there is no visible flame , the stack of hive bodies may be pushed over and any remaining fire extinguished with water.

 (8) Paint the inside of the outer cover with the fuel mix and ignite.

 (9) After the equipment has cooled, examine to be sure that all of the interior areas are charred.

 (10) If areas were missed, use a butane torch to scorch uncharred areas.

 (11) With a clean hive tool, remove the charred wood. The equipment may now be reused.

 (12) A butane or propane torch may be used instead of a chimney fire to char the hive bodies, covers, and bottom boards.

 e. **Procedure 3 - Ethylene Oxide Fumigation**

 (1) If a fumigation chamber is available and the owner/operator of the equipment agrees to pay the fees involved, all contaminated hive equipment may be re-used after fumigation.

 (2) All honey must be extracted prior to fumigation.

 (3) The contaminated equipment must be fumigated according to ethylene oxide label instructions and OSHA Safety and Health Standards (Occupational Safety and Health Administration, 29 CFR 1910.1000).

 (4) A biological indicator test must be used in connection with the fumigated equipment in order to show effectiveness.

 (5) All fumigated equipment must be branded with the initials "ETO" and the year by the chamber operator.

 (6) Records must be kept of each load number, the type of beekeeping equipment, and the owner of the fumigated equipment.

 (7) After each load is fumigated, the beekeeper must be advised of the germination test results and instructed regarding re-use of the equipment.

 2. **Asiatic mites (*Varroa jacobsoni* and *Tropilaelaps* spp.)**

 a. If an infestation of asiatic mites is discovered within the State of Maine, the problem will be resolved according to United States Department of Agriculture (USDA) criteria.

 b. Registered acaracides used according to label directions, cultural practices, and/or fumigation of honey bees and equipment may be employed by the Department as a control measure for these mites if no federal regulations are in effect.

 3. **Africanized honey bees (*Apis mellifera scutellata*)**

 a. Infestations of African honey bees will be identified by a method prescribed by the Commissioner.

 b. Incipient infestations of Africanized honey bees will be resolved according to USDA regulations if any are in effect.

 c. If no Federal regulations are in effect, colonies of honey bees with a high probability of being "Africanized" will be:

 (1) Quarantined.

 (2) Requeened with stock containing European germplasm.

 (3) Resampled after the first generation of European offspring has emerged.

 (4) If the subsequent sampling reveals honey bees with a high probability of being "European", the quarantine will be lifted.

 (5) Colonies of honey bees identified as "Africanized" that exhibit extreme aggressive behavior will be exterminated if the requeening process fails or the public is at risk as determined by the state apiary inspector.

**VI. Inspection**

 A. **Inspections**

 1. 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 honey bee diseases, parasites, or unwanted genetic material.

 2. State apiary inspectors shall, so far as practicable, inspect or cause to be inspected at least once each year any or all apiaries within the State of Maine.

 3. State apiary inspectors may enter at all reasonable times, upon the premises or apiary locations of any beekeeper to examine bees, equipment, and appliances to determine the presence of regulated honey bee diseases, parasites, or unwanted genetic stock..

 B. **Method of Inspection**

 1. Inspection shall include lifting brood-containing frames from the colony and examining the brood on both sides of the frame for evidence of disease.

 2. Adult and immature honey bees will be sampled for parasitic mites according to the most current sampling technique described by USDA-Agricultural Research Service (ARS) or USDA-Animal and Plant Health Inspection Service (APHIS).

C. **Marking of Colonies**

 1. Upon finding a colony to be diseased with American foulbrood in any degree, the inspector shall plainly mark on each hive body, super, and cover of such diseased colony, the letters "AFB" preceded by a numeral indicating the total number of hive bodies and supers occupied by the diseased colony, followed by the date and the initials of the state apiary inspector.

 2. The entrances of such diseased colonies will be reduced and cracks between supers will be sealed to prevent robbing and further spread of disease.

 D. **Quarantine of Apiaries with Regulated Diseases and Parasites**

 1. Whenever a state apiaryinspector finds that American foulbrood disease or regulated mite infestation exists in any apiary, the inspector shall quarantine the apiary by giving written notice to the owner or operator.

 2. When such notice has been given as provided above, it shall be unlawful for the owner or operator or any other person to move the apiary, or any part thereof, until the disease has been eradicated and written permission has been received from the state apiary inspector.

 3. When in the opinion of the state apiary inspector the disease has been eradicated, the state apiary inspector shall issue a written permit releasing the apiary from quarantine.

 E. **Inspection Certificates**

 1. Any state apiary inspector shall, within 30 days after examination, issue certificates that the honey bee equipment and appliances are apparently free from regulated diseases and parasites and contamination if so found.

 2. The certificates shall be filed as follows: one copy to the owner, and one copy to the state apiary inspector's files.

**VII. Protection From Damage**

 A. **Disturbing Honey Bees on Another Person’s Land**

 1. No person may enter upon the land of another for the purpose of capturing, destroying or interfering with a colony or swarm of honey bees or removing honey, except by the consent of the owner of the land.

 B. **Damage to Hives From Bears**

 1. Any licensed beekeeper or the licensed beekeeper’s designee may obtain a permit to trap or hunt bears that are damaging hives from the Department of Inland Fisheries and Wildlife.

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