

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-81)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 129, L.D. 140, Bill, "AN ACT Amending Certain Laws Relating to the Packing of Sardines."

Amend the Bill by striking out all of subsection 2 of section 1 and inserting in its place the following:

'2. Cutting. "Cutting" shall mean removing the heads of the fish packed by some implement or device operated by hand or by a machine or mechanical device operated by power. The operation of "cutting" shall not include the practice of beheading the fish by "snipping" or "pinching" with the fingers.'

Further amend the Bill by striking out all of sections 4 to 7 and inserting in their place the following:

'Sec. 4. 32 MRSA §4157, as last amended by PL 1977, c. 694, §633, is repealed and the following enacted in its place:

§4157. Standards

1. General standards. The heads of all fish packed in cans shall be removed by cutting. No broken fish shall be packed.

In packing the following sized cans, these standards shall apply.

A. For the 1/4 size can:

(1) The minimum count of fish shall be 4, provided that, in cans packed with less than 8 fish, the tails shall be removed by cutting or shall be neatly trimmed; and

(2) The feeding device shall deliver the packing medium at a rate of not less than 19.66 cubic centimeters per can,

provided the can will hold that much.

B. For the #1 oval can, commonly known as a one pound or 15 ounce oval can:

(1) The minimum count of fish shall be 4, provided that, in cans packed as a single layer, the tails shall be removed by cutting or shall be neatly trimmed; and

(2) The feeding device shall deliver the packing medium at a rate of not less than 2 ounces per can.

C. For the 8-ounce oval can:

(1) The minimum count of fish shall be 4, provided that, in cans packed as a single layer, the tails shall be removed by cutting or shall be neatly trimmed; and

(2) The feeding device shall deliver the packing medium at a rate of not less than one ounce per can.

2. Packing mediums. In packing sardines, the packing medium shall meet the following minimum standards, if applicable to the type of packing medium used:

A. The quality of the vegetable salad oil shall be a pure, edible vegetable oil, which shall be clear and thoroughly refined. It shall be a deodorized oil free from rancidity and objectionable flavor and shall satisfactorily stand the 5 hour cold test, so-called. Its color shall not be darker than 7 lovibond units. The oil shall have a free fatty acid content of not more than .07% and shall retain a satisfactory flavor after heating to 400° fehrenheit.

B. The olive oil shall possess a typical greenish to light yellow color and shall possess a free fatty acid content, calculated as oleic, of not more than 1.4%. The olive oil shall be free of defects and possess a good typical odor and a good typical flavor.

C. The tomato sauce used shall possess a fairly good red tomato color and shall be free of defects and shall possess a fairly good tomato puree, tomato pulp, flavor. It shall have not less than 8.37% salt-free tomato solids and a specific gravity of not less than 1.035.

3. Grades. The commissioner may, in a manner consistent with Title 5, Part 18, and after public hearings, promulgate regulations establishing official grades for sardines packed within the State, and for the marking, branding or labeling of sardines and the use of the grades. The hearings shall be held in places reasonably convenient for the packers. Notice of the hearings and of the final action shall be sent, by registered mail, to all license holders under section 4153.

A. The grades may specify the number of fish per container, the amount, quality and nature of the packing medium or fill, the quality, appearance, odor, character, taste and texture of the fish packed, the style of pack, their workmanship and arrangement in the container, the quality of the substances contained in the container, the size and type of the container, and tolerances allowing for reasonable variation from grades.

B. In establishing the regulations, the commissioner may consider packing practices in Maine and in other jurisdictions, consumer expectancy, habits and desires, the types of fish available, conditions of sanitation, tastes and preferences of varying parts of the consumer public, marketing practices and market experience.

4. Labeling. Fish packed in accordance with this section and the regulations may be plainly and conspicuously marked "Maine sardines." Fish which are packed in a manner inconsistent with this section and the regulations shall not be sold for consumption in the United States unless each can^{and case}/is plainly and conspicuously marked with the word "herring," and the word "sardine" does not appear.

5. Substandard grade. Sardines which are officially designated as substandard grade, for which a certificate is issued, shall not be sold for consumption in the United States unless each can in the lot has the words "Substandard Grade, Good Food-Not High Quality" so placed as to be easily seen when the name of the product or pictorial representation thereof is viewed and appear conspicuously enough to be seen under ordinary conditions of purchase. The words "Substandard Grade, Good Food-Not High Quality" shall be printed in 2 lines across the cover of all cans in letters not less than 1/8 of an inch in height and be enclosed in lines which are not less than 1/32 of an inch in width. This ~~←~~→ wording shall be printed on all wrappers, labels, cartons or other outer coverings of the cans with a

permanent type of indelible ink, or by means of other approved procedure. The words "Substandard Grade" shall appear in letters not less than one inch in height on both ends of the shipping container.

6. Embargo. The commissioner, or any duly authorized agent of the commissioner, shall detain or place an embargo upon sardines officially designated as substandard grade, for which a certificate is issued, by marking or tagging the same and warning all persons not to remove or dispose of the same by sale or otherwise until permission for removal or disposal is given by the commissioner. These sardines shall be detained or placed under embargo until the goods are marked in accordance with this section or the commissioner has received a bond covering the export provisions of this section. Orders for detention or embargo issued under this section shall not be considered to be licensing or an adjudicatory proceeding, as those terms are defined by Title 5, Part 18.'

Statement of Fact

This amendment merely clarifies the language of the bill.