

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 140

H. P. 129

House of Representatives, January 23, 1979

Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vose of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Amending Certain Laws Relating to the Packing of Sardines.

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

Sec. 1. 32 MRSA § 4151, sub-§ 2, is repealed and the following enacted in its place:

2. **Cutting.** "Cutting" shall be held to mean removing the heads of the fish packed, either before or after precooking, by some implement or device operated by hand or by a machine or mechanical device operated by power. The operation of "cutting" does not mean the practice of beheading the fish by "snipping" or "pinching" the heads off the fish with the fingers.

Sec. 2. 32 MRSA § 4155, 2nd ¶, 3rd sentence, is repealed and the following enacted in its place:

The code plan shall define "lot" as not more than the entire output of one packing plant for one day, or for one personnel shift, whichever is the shorter period of time.

Sec. 3. 32 MRSA § 4156, as last amended by PL 1977, c. 694, § 630, is repealed and the following enacted in its place:

§ 4156. **Fees; disposition**

Each packer shall pay monthly, not later than the 10th day of each month, 8¢ per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section 4155 and as a part of the fee for obtaining and retaining his license. The inspection fee provided for may be increased by the Commissioner of Agriculture, in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, after consultation with the Sardine Industry Advisory Board to an amount not to exceed 12¢ per case, in the event the fee of 8¢ per case is not adequate to cover the cost of the inspection, but the increased fee shall be reasonable and shall cover as nearly as may be possible the cost of the inspection. All license fees and all money received under this chapter by the commissioner shall be paid by him to the Treasurer of State and the same are hereby appropriated for carrying out this chapter, and for no other purpose.

All products packed in hermetically sealed containers which are not classified as sardines, but have herring as their predominant contents are assessed at an amount not to exceed 2/3 of the fee for products classified as sardines with payment being made and disposal of the funds handled in the same manner and for the same purposes as set forth in the first paragraph.

Sec. 4. 32 MRSA § 4157, first ¶, is repealed and the following enacted in its place:

The minimum count of fish per 1/4 size can, whether packed in oil, mustard sauce, tomato sauce or other packing medium, shall be 4 fish, and in all such cans the heads of all fish shall be removed by cutting. In all cans packed with less than 8 fish, the tails shall be removed by cutting or shall be neatly trimmed. No broken fish shall be packed. The oil feeding device or mechanism shall deliver to the 1/4 size cans oil at a rate of not less than 19.66 cubic centimeters of oil per can, provided the can of fish will hold the oil.

Sec. 5. 32 MRSA § 4157, 2nd ¶, which begins with the words "The minimum count of fish per 1/4 size key can, . . ." is repealed.

Sec. 6. 32 MRSA § 4157, 4th ¶, which begins with the words "The minimum count of fish, which may be any size, . . ." is repealed and the following enacted in its place:

The minimum count of fish, per #1 oval can, commonly known as a one pound or 15-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. In all #1 oval cans containing a single layer of fish, the tails shall be removed by cutting or shall be neatly trimmed. No broken fish shall be placed in cans. The device or mechanism feeding oil, mustard sauce, tomato sauce or other packing medium shall deliver the mustard sauce, tomato sauce, oil or other packing medium to all #1 oval cans, commonly known as one pound or 15-ounce oval cans, at a rate of not less than 2 ounces per can.

Sec. 7. 32 MRSA § 4157, 5th ¶, which begins with the words “The minimum count of fish per 8-ounce. .” is repealed and the following enacted in its place:

The minimum count of fish per 8-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. In all 8-ounce oval cans containing a single layer of fish, the tails shall be removed by cutting or shall be neatly trimmed. No broken fish shall be packed. The device feeding mustard sauce, tomato sauce, oil or other packing medium shall deliver mustard sauce, tomato sauce, oil or other packing medium to all 8-ounce oval cans at a rate of not less than one ounce per can.

STATEMENT OF FACT

This bill, with the exception of section 3, reflects the changes in processing methods that have taken place since the original legislation was passed. Title 32, section 4156 is amended to take into account the higher costs of inspection due to increased salaries for inspectors.