

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1209

S. P. 440

In Senate, March 3, 1953

Referred to the Committee on Sea and Shore Fisheries, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Hanson of Washington

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to the Packing of Sardines.

Emergency preamble. Whereas, the packing of sardines is one of the most important industries of the state; and

Whereas, sardines are a valuable and important food product; and

Whereas, it is necessary that certain changes be made in the law to provide immediately more funds for inspection of the packing of sardines and to facilitate such inspection and to accomplish other objectives, and

Whereas, the sardine packing season begins on April 15th; 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:

Sec. 1. R. S., c. 27, § 198, amended. The last sentence of section 198 of chapter 27 of the revised statutes, as enacted by section 1 of chapter 248 of the public laws of 1949, is hereby repealed.

Sec. 2. R. S., c. 27, § 201, amended. The last sentence of section 201 of chapter 27 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'The commissioner shall select and employ 1 chief sardine inspector whose salary shall be fixed by the commissioner. He shall also employ subordinate inspectors, who shall be subject to the provisions of the personnel law, sufficient in numbers so that adequate inspection can be performed: and it shall be the duty of said inspectors to make adequate and uniform and impartial inspection of all the places, shops and factories in the state, wherever sardines are packed for sale, and for this purpose such inspectors shall have free access, ingress and egress at all reasonable hours to any sardine packing plant, may open any case or container and may, upon tendering the market price, take samples therefrom.

The chief sardine inspector shall vigilantly enforce all the provisions of sections 198 to 205, inclusive, and all provisions of the law and all regulations relating to sardine packing.

He shall not be assigned to perform or perform any inspection work, other than that pertaining to the packing of sardines, and shall be directly responsible to the commissioner of agriculture.'

Sec. 3. R. S., c. 27, § 202, amended. The 1st sentence of section 202 of chapter 27 of the revised statutes, as amended, is hereby further amended to read as follows:

'Each packer shall pay monthly, not later than the 10th day of each month ~~2e~~ 3c per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section 201 and as a part of the fee for obtaining and retaining his license.'

Sec. 4. R. S., c. 27, § 203, amended. The 1st paragraph of section 203 of chapter 27 of the revised statutes, as repealed and replaced by section 2 of chapter 78 of the public laws of 1945, and as amended, is hereby further amended by adding at the end the following sentence:

'The fish in the cans shall be free from defects, no detached heads or tails present.'

Sec. 5. R. S., c. 27, § 203, amended. The 2nd paragraph of section 203 of chapter 27 of the revised statutes, as repealed and replaced by section 2 of chapter 78 of the public laws of 1945, and as amended, is hereby further amended by adding at the end thereof the following sentence:

'The fish in the cans shall be free from defects, no detached heads or tails present.'

Sec. 6. R. S., c. 27, § 203, amended. The 3rd paragraph of section 203 of chapter 27 of the revised statutes, as repealed and replaced by section 2 of chapter 78 of the public laws of 1945, is hereby amended to read as follows:

'For "fancy grade" sardines, the minimum count of fish per $\frac{1}{4}$ size can shall be 5 fish. All fish shall have heads removed by cutting, and in all cans packed with less than 8 fish the tails shall be removed by cutting or shall be neatly trimmed. The minimum quantity of oil shall be not less than $5\frac{1}{2}$ pounds per case of 100 $\frac{1}{4}$ size cans. The fish in the cans shall be free from defects, no detached heads or tails present ~~and the fish shall be uniform in size.~~

Sec. 7. R. S., c. 27, § 203, amended. The 5th paragraph of section 203 of chapter 27 of the revised statutes, as enacted by section 3 of chapter 248 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'The minimum count of fish, which may be any size, per #1 oval can, commonly known as a 1 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. No broken fish shall be placed in cans. The minimum quantity of mustard sauce, tomato sauce or other packing medium shall be not less than 2 ounces per can. The quality of tomato sauce shall be not less than 1.06 specific gravity.'

Sec. 8. R. S., c. 27, § 203-A, amended. Section 203-A of chapter 27 of the revised statutes, as enacted by section 3 of chapter 78 of the public laws of 1945, is hereby amended by adding at the end thereof a new paragraph to read as follows:

'The term "broken fish" shall be held to include fish that are shattered, belly blown, or blown or broken from any cause.'

Sec. 9. R. S., c. 34, § 34, amended. Section 34 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 34. Rules governing sale or canning of herring; penalty; enforcement by commissioner. Whoever takes, preserves, sells or offers for sale between the 1st day of December and the 15th day of the following April any herring for canning purposes less than 8 inches long, measured from one extreme to the other, or cans herring of any description taken in the

coastal waters of Maine between the 1st day of December and the 15th day of the following April forfeits \$20 for every 100 cans so packed or canned, and for every 100 herring so taken; ~~provided, however, that herring used for the packing of sardines in 1 pound oval cans may be taken and packed only from June 1st to December 1st of each year.~~ All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed, except sardines packed in plain cans and shipped for buyers' labels or cartons. Whoever sells or offers for sale any sardines in cans not so decorated or labeled shall forfeit \$1 for every can sold or offered for sale, to be recovered by complaint, indictment or action of debt.'

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