

MAINE STATE LEGISLATURE

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October 4, 1940

A. M. G. Soule, Esq.
Division of Inspection
Dept. Agriculture
Augusta, Maine

Dear Sir:

In answer to your inquiry relative to the construction of Section 51, Chapter 50, Revised Statutes of Maine, and especially as to whether the same is so modified by Sections 73 to 75, inclusive, Chapter 41, Revised Statutes, as to enable the Commissioner of Agriculture to grant a license to pack sardines between December first and April fifteenth of the following year, considering especially the definition of the term "sardine" as found in Section 75, Chapter 41, Revised Statutes, I have to inform you that Section 51 of Chapter 50, P. S. provides that:

"Whoever takes, preserves, sells or offers for sale between the first day of December and the fifteenth day of the following April, any herring for canning purposes less than eight inches long, measured from one extreme to the other, or packs or cans sardines of any description between the first day of December and the fifteenth day of the following April, forfeits twenty dollars" etc.

The words "of any description" seem to include all fish less than eight inches in length.

It seems to me that the only way to solve your problem is by an Act of the Legislature.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

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