

MAINE STATE LEGISLATURE

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September 2, 1943

Mr. A. M. G. Soule

Agriculture

Frank I. Cowan

Attorney General

Sardines

I have your question in regard to interpretation of the first two sentences in R.S. Chapter 41, Section 75, reading as follows:

"The minimum count of fish per one-quarter size keyless can shall be four fish. The minimum count of fish per one-quarter size key can shall be five fish."

You have shown me several cans of sardines, all of which are scored around the top. The cans you showed me have a slight difference in that one of them has directions for inserting a key, while the others lack these directions. Nevertheless, as you have demonstrated to me, both cans are, because of the scoring around the top, designed to be opened readily with a pointed key. It is evident that the description in the statute "key can" means "a can that can be opened readily with a key." "Keyless can" means a "can that is not so made as to be opened readily with a key."

I see nothing in the statute to indicate that the presence or lack of presence of a key for opening the can has anything to do with the definition of the can itself.

Frank I. Cowan
Attorney General

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