

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

July 1, 1947

To A. K. Gardner, Commissioner of Agriculture

Re: Authority for making regulations allowing Maine Sardine Packers to pack sardines for export, that do not conform to the Maine Food and Drug Law and the Federal Food and Drug Act.

I received your memo of June 30th. After citing the provisions of law relating to the Federal Food and Drug Act and the Maine Food and Drug Law, and part of Section 201 of Chapter 27, R. S. 1944, relating to the inspection and packing of sardines, which gives the Commissioner discretion in making uniform rules and regulations for carrying out the provisions of the sardine packing law and to fix standards of quality where such standards are not fixed by law, you ask this question:

“Is it within the authority of the Commissioner of Agriculture to make rules and regulations that will allow packing sardines for export that are not in accord with the standards of quality established in Section 168, paragraph F of Chapter 27, R. S. 1944, and Section 201 of the same Chapter.”

Paragraph F of Section 168 reads as follows:

“If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.”

Section 201 of Chapter 27 I have just quoted from your memo, relating to the fixing of standards of quality by the Commissioner.

Before answering your question I will say that I do not see any standard of quality established in Section 168. It is for you as Commissioner to say whether the sardines consist in whole or in part of a filthy, decomposed or putrid substance or are the product of a diseased animal, and I understand that you do this by having inspectors at the sardine factories when the sardines are being packed. In my opinion you have a right to fix the standard of quality of the sardines that are being packed at the various plants in Maine. There is nothing in our State law in regard to export of sardines, while the federal law permits the shipment of sardines without any federal inspection for export only. It seems to me that it is a matter of discretion with you whether or not you want to follow the federal statute in this regard.

RALPH W. FARRIS
Attorney General

July 1, 1947

To L. C. Fortier, Chairman, Maine Unemployment Compensation Commission

Re: Eligibility for Unemployment Compensation under Chapter 340, P. L. 1947

Chapter 340, P. L. 1947, approved May 6, 1947, becomes effective on August 13, 1947. By virtue of this amendment, the minimum qualifying