

MAINE STATE LEGISLATURE

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December 22, 1947

To A. M. G. Soule, Chief, Division of Inspection, Agriculture
Re: Legal Dates for Packing Herring

You ask my opinion as to whether or not herring can be legally packed from the 15th day of December to the 1st day of the following March.

Section 198 of Chapter 27, R. S. 1944, as amended by Chapter 66, P. L. 1945, and Chapter 42, P. L. 1947, limits the packing of sardines within the State for sale from March 1st to December 15th of each year:

"Whoever takes, preserves, sells, or offers for sale between the 15th day of December and the 1st day of the following March, any herring for canning purposes less than 8 inches long, measured from one extreme to the other, or packs or cans sardines of any description between the 15th day of December and the 1st day of the following March, forfeits \$20 for every hundred cans so packed or canned, and for every hundred herring so taken."

Section 3 of Chapter 2, P. L. 1947, provides that this act shall remain in effect for a period of two years, after which period the present statute shall return to full force and effect.

You also call my attention to Chapter 248, P. L. 1947, which defines the term "sardines", which apparently excludes from the meaning of the word "sardines" pickled herring, kippered snacks, kippered herring, cocktail spread, sardine spread, Riga sprats, sardine salad, and sardine luncheon, provided these products are not branded as sardines or herring without any other designation.

You asked the further question: "Is it legal to pack herring that are eight inches or more than eight inches in length during the period from December 15th to March 1st?"

In answer to both your questions I will say that herring cannot be legally packed during the period from the 15th of December to the 1st day of the following March, whether they are eight inches or more than eight inches in length, because the statutes above cited provide that the packing or canning of sardines of any description between the 15th day of December and the 1st day of the following March is prohibited.

This prohibition will be found in Section 2 of Chapter 42, P. L. 1947, which is an amendment to Section 24 of Chapter 34, R. S. 1944.

Ralph W. Farris
Attorney General

RWF:c