

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
101st LEGISLATURE

SENATE AMENDMENT "A" to S. P. 189, L. D. 488, Bill, "An Act Repealing the Regulation of Herring for Canning Purposes from December 1st to April 15th."

Amend said Bill by striking out all of the Title and inserting in place thereof the following new title: 'An Act Providing for Trademarks Under Maine Sardine Tax Law.'

Further amend said Bill by inserting after the Title and before the enacting clause the following:

'Preamble. Whereas, the packing of sardines is one of the most important industries of the State; and

Whereas, the packers and the Maine Sardine Council have widely advertised Maine sardines and have substantially improved the quality of this important Maine product, which improvements have proved to be an aid to merchandising Maine sardines and expanding the market therefor; and

Whereas, the economic and general welfare of not only certain maritime communities and counties in Maine is materially affected by the condition of this industry, but also those of the people of the State as a whole; and

Whereas, strengthening of this important Maine industry will also benefit those engaged in the Maine fishing industry supplying the packers of sardines and other Maine industries supporting the sardine industry; and

Whereas, better and more expensive processing, packaging, advertising and promotional methods are necessary to further broaden markets and increase the sale of Maine sardines to preserve the industry; and
(Filing # \$-300)

Whereas, new markets and increased sales will benefit not only this industry as a whole and the State as a whole but will also make available to all who wish to enter this industry prospects for a wider market for their product.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., c. 32, §§267-B 267-G, additional. Chapter 32 of the Revised Statutes is amended by adding 6 new sections, to be numbered 267-B to 267-G, to read as follows:

'Trademarks Under Maine Sardine Tax Law.

Sec. 267-B. Trademarks. In order to carry out better the objectives of the Maine Sardine Tax Law, the Maine Sardine Council may develop and register trademarks. The Commissioner of Agriculture may delegate to the Maine Sardine Council the authority to regulate the use of the State of Maine trademark when used in the processing and sale of Maine sardines.

Sec. 267-C. License. After notice of establishment of a trademark by the council, it shall be unlawful to use such trademark without first securing a permit or license from the Maine Sardine Council. Any violations of this section shall be punishable for the first offense by a fine of not more than \$50 and for each subsequent offenses a fine of not more than \$200.

Sec. 267-D. Price. The Maine Sardine Council shall have the authority to establish minimum prices for which canned sardines bearing a council regulated trademark may be sold by a processor.

Sec. 267-E. Rules and regulations. The Maine Sardine Council may prescribe rules and regulations for carrying out the purposes of

(Filing # 300)

sections 267-B to 267-G, and may issue licenses to processors who request authority to use the trademark and who shall abide by such rules and regulations. The council may charge a fee on a case basis for the use of trademarks established by the council or of the State of Maine trademark used on canned sardines. The council shall have the right to cancel any license, for a period of time to be determined by the council, for failure to abide by the rules and regulations prescribed by the council; and the council shall have the right to cancel all outstanding licenses at any time that the council deems such action necessary to the best interest of the sardine industry as a whole.

Sec. 267-F. Fees. All fees charged for use of the trademarks and from the issuance of licenses shall be paid to the Treasurer of State and the same are appropriated for carrying out sections 267-B to 267-G, and for promoting the prosperity of this State and the sardine industry by fostering and promoting better methods of processing, merchandising and advertising of Maine sardines under the direction of the Maine Sardine Council.

Sec. 267-G. Enforcement; jurisdiction. The council or a duly authorized representative may recover penalties imposed for violation of section 267-C in a civil action brought in the name of the council, and if it prevails in such action shall recover full costs; or the council may prosecute for violations thereof by complaint or indictment.

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The District Court and the Superior Court shall have concurrent jurisdiction of actions brought for the recovery of penalties imposed by section 267-C, and of prosecutions for violations thereof. All fines received under section 267-C by county treasurers shall be paid by them to the Treasurer of State and the same are appropriated for carrying out sections 267-B to 267-G.' "

Proposed by Senator WYMAN of WASHINGTON

Reproduced and distributed pursuant to Senate Rule #11A

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