

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1204

H. P. 817

House of Representatives, February 7, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Young of Gouldsboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**AN ACT to Promote Merchandising of Maine Sardines and Increasing Number
for Quorum of Maine Sardine Council.**

Emergency 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, Maine sardines do not now enjoy a substantial foreign market; and

Whereas, creation of new markets abroad will benefit not only this industry as a whole and the people of the state as a whole but will also make available to all who wish to enter this industry prospects of a wider market for their product; and

Whereas, by the use of funds collected under the Sardine Tax Law, the sale of Maine sardines abroad and the development of foreign markets therefor can be aided; and

Whereas, it is important to the industry and all of those benefited by its well being including the people of the State as a whole that immediate effort be made to merchandise Maine sardines abroad and to develop foreign markets; and

Whereas, the organization of such a program involves planning and is time consuming; and

Whereas, it is urgent also that the industry, as well as the Maine Sardine Council, be able to plan for such merchandising promptly; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 16, § 267, sub-§ II, ¶ A, amended. Paragraph A of subsection II of section 267 of chapter 16 of the Revised Statutes, as amended, is further amended by adding at the end 2 new sentences, as follows:

“Merchandising” and “advertising” shall include, among other activities, the purchase of Maine sardines by the Maine Sardine Council through the State Purchasing Agent on a competitive sealed bid basis, and the distribution of such sardines by the council for promotional purposes, to develop and expand foreign markets, to obtain effective distribution and consumer exposure and to create and maintain consumer acceptance and demand. Such distribution may be at less than the cost of such sardines to the council where reasonably necessary, in the judgment of the council, to accomplish the merchandising and advertising of Maine sardines, and the council may give advertising and promotional allowances for the purposes of promoting the advertising and resale of Maine sardines.’

Sec. 2. Limitation on funds expended for promotion of foreign markets. The total of the advertising and promotional allowances given and any loss on the distribution of sardines purchased under section 1 shall not exceed \$125,000 during any 12-month period from June 1st to May 31st while section 1 shall be effective and a proportional amount for any lesser period created by the expiration of section 1.

Sec. 3. Expiration date. Sections 1 and 2 of this act shall expire on October 1, 1965, unless sooner extended.

Sec. 4. R. S., c. 16, § 268, amended. The 2nd sentence of the first paragraph of section 268 of chapter 16 of the Revised Statutes, as repealed and replaced by section 12 of chapter 397 of the public laws of 1957, is amended to read as follows:

~~Four~~ **Five** members of said council shall constitute a quorum for the transaction of all business and the carrying out of the duties of the council. **The council may act only on the affirmative vote of at least 4 members.**’

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect on June 1, 1963.