

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2187

H. P. 1741

House of Representatives, January 2, 1974

Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Bunker of Gouldsboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT to Provide for the Disposition of Herring Unfit
for Human Consumption.**

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

R. S., T. 32, § 4159, amended. Section 4159 of Title 32 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 4159. Sale or packing of herring

It shall be unlawful for any person, firm or corporation to sell, offer for sale or transfer in any manner herring which are between 4½ and 9 inches in length when measured from one extreme to the other to any person, firm or corporation, other than for human consumption or bait purposes, except as provided in this section.

If herring are found unfit for direct human consumption by a person authorized to inspect sardines pursuant to section 4155, the inspector may, with written permission of the person having possession of the herring at the time of the finding, or written permission of any officer of a corporation having such possession, sell said herring for indirect or nonhuman consumption such as fish meal processing, provided said herring are fit for such purposes or for other nonconsumption purposes. One-half the proceeds of any such sale are to be paid by the buyer to the Treasurer of State and such funds are appropriated for carrying out the purposes of this chapter in the same manner as the fees as set forth in section 4156. The other half of the proceeds of the sale are to be paid by the buyer to the person or corporation having possession at the time of the finding for distribution by him to the owner or owners.

It is not necessary to commence or carry out the condemnation proceedings provided in section 4155, if the herring are sold pursuant to this section.

If condemnation proceedings are finalized, said condemned herring are the property of the State and all proceeds derived from their sale are to be paid to the Treasurer of State and are all appropriated for the purposes stated in said section 4156.

I. Tolerance of 25%; how determined. Any person, firm or corporation may take, sell, purchase, process, ship, transport or have possession of herring which are between $4\frac{1}{2}$ and 9 inches in length when they are mixed with herring of greater length, provided the herring between $4\frac{1}{2}$ and 9 inches in length comprise less than 25% of the entire lot.

A. The tolerance of 25% is determined by volume of $\frac{1}{2}$ bushel of herring for each 30 hogsheads of herring, or fraction thereof, taken at random from various parts of the lot.

STATEMENT OF FACT

This bill provides for increasing the length of herring which may be taken for human consumption or bait from the present $4\frac{1}{2}$ to 7 inches to $4\frac{1}{2}$ to 9 inches. The main purpose is to prevent over-exploitation of the immature herring supply by large volume industrial users whose utilization of the fish contributes much less to the overall economy of the State than when the resource is caught and processed for direct human consumption.

This bill further amends the present law to close loopholes that make it virtually impossible to be enforced and has a penalty clause that when invoked would provide additional funds towards financing the cost of sardine inspection.