

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1184

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H. P. 995

House of Representatives, March 23, 1977

On motion of Mr. Greenlaw of Stonington, referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Create the Voluntary Fish Products Inspection Program.

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

12 MRSA c. 420 is enacted to read:

CHAPTER 420

VOLUNTARY FISH PRODUCTS INSPECTION ACT

§ 4681. Purpose

Fish and fish products are an important part of the nation's food supply. Increased fishing, processing and the sale of fish products, can produce an important share of the food supply as well as provide greater economic benefits for Maine citizens. The marketing and sale of fish products is facilitated when they are labeled to indicate the quality and purity of the package contents. The public health and welfare is protected by the assurance that fish products distributed to them are wholesome and not adulterated. The purpose of this Act is to increase the availability of fish product inspection services to Maine processors and packers, who want them in order to bring about the aforementioned results.

§ 4682. Department of Agriculture; powers and duties

The Maine Department of Agriculture is designated as the state agency, which shall be responsible for cooperating with the Secretary of Commerce of the United States, under the Agriculture Marketing Act of 1946, as amended, and the Fish and Wildlife Act of 1956, as amended, in developing and administering a fish product inspection program. The fish product in-

pection program shall be designed to implement an agreement between the State and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, Department of Commerce.

§ 4683. Commissioner; powers and duties

The Commissioner of Agriculture is authorized to enter into a cooperative agreement with the National Marine Fisheries Service to inspect, standardize and assure the quality of fish products. He may promulgate regulations and requirements not inconsistent with National Marine Fisheries Service regulations for the inspection of fishery products under the agreement.

§ 4684. Application

The inspection service authorized shall be available to processors and packers of fish products which are not presently included in an inspection and quality control program, meaning to exclude sardines and other fish inspected by the Maine Sardine Council.

§ 4685. Labeling

1. Required. All products inspected under this chapter shall be accurately labeled as provided in the regulations to provide the public with information in accordance with the purpose of this chapter.

2. Limitation. No article inspected under this chapter, shall be sold or offered for sale by any person, firm or corporation under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size. Established trade names approved by the commissioner are permitted. No article not inspected under this chapter shall be sold or offered for sale by any person, firm or corporation under any name or other marking or labeling which is false and misleading and intending to represent the contents as having been inspected and graded.

3. Use withheld. If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this subchapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling or container is modified in such manner as he may prescribe, so that it shall not be false or misleading. If the person, firm or corporation using or proposing to use the marking, labeling or container does not accept the determination of the commissioner, such person, firm or corporation may request a hearing, but the use of the marking, labeling or container shall, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. Any such determination by the commissioner shall be conclusive unless, within 30 days after receipt of notice of such final determination, the person, firm or corporation adversely affected thereby, appeals to the Superior Court.

STATEMENT OF FACT

The inspection program of the National Marine Fisheries Service is a voluntary program paid for by the processor of fishery products — fresh,

frozen, canned and cured. The inspectors check the plants, procedures and products of the company. A certificate is issued stating the quality, quantity and condition of the product. An additional step is grading by which the level of quality is determined and a grade shield is permitted which is attached to the product or is shown on the label.

The inspectors monitor the quality of the raw material and examine samples of the finished product. Lot inspection is carried out at the storage facility. Inspection of fish meal plants is also available.

The agency first assists the processor to develop an operation which they can approve. After approval, continuous inspection is carried out. The expense of the program is paid for by the firm requesting the program. A kitchen type laboratory is required which would include merely a cooking unit, refrigerator-freezer, scale and table. The product shall be packaged, labeled, dated and coded at the plant. Effective machines are available for this job.

The fisheries service will delegate the inspection to a state with whom they have an agreement and prefers this association. The state department is reimbursed by the fisheries service for personnel time and expense. (driving, etc.) spent in carrying out the inspections and training.

The administration is provided by the fisheries service. To enable the Maine Department of Agriculture to participate in the program for Maine firms, legislation is necessary.