

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 133**

H. P. 128

House of Representatives, January 23, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Vose of Eastport.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Amending the Sardine Tax Law.**

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

**Sec. 1.** '36 MRSA § 4692, as amended by PL 1975, c. 656, is repealed and the following enacted in its place:

**§ 4692. Definitions**

For the purpose of this chapter, unless the context otherwise requires, the following words shall have the following meanings.

1. **Case.** A "case" of sardines shall mean either of the following, regardless of the packing medium:

A. 100 cans when the stated net weight of the contents is under 7 ounces; or

B. 48 cans when the stated net weight of the contents is 7 ounces or over.

**Sec. 2.** '36 MRSA § 4693, first sentence, as amended by PL 1973, c. 513, § 22, is repealed and the following enacted in its place:

The Maine Sardine Council, as heretofore established, shall consist of not more than 9 nor less than 7 members to be appointed by the Commissioner of Marine Resources.

**Sec. 3.** 36 MRSA § 4693, 2nd sentence, is repealed and the following enacted in its place:

**Fifty-one percent of the members of the council shall constitute a quorum and the affirmative vote of at least 51% of the members shall be necessary for the transaction of all business and the carrying out of the duties of the council.**

**Sec. 4.** 36 MRSA § 4693, last ¶, as last amended by PL 1975, c. 481, § 3, is repealed and the following enacted in its place:

**The members of the council shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties. They are authorized to select and employ an executive director-advertising and merchandising manager to administer the advertising, merchandising, research and development program, in concurrence with the Commissioner of Marine Resources, and fix his salary. The executive director, with the consent of the council, is authorized, subject to the Personnel Law, to engage sufficient clerical personnel and other employees for the efficient performance of his duties.**

**Sec. 5.** 36 MRSA § 4699, sub-§ 2, ¶¶ A and C, as last amended by PL 1975, c. 481, § 3, are repealed and the following enacted in their place:

**A. For the purpose of merchandising and advertising Maine sardines for food under the direction of the Maine Sardine Council;**

**C. For gathering, studying, classifying and distributing information and data concerning quality, grades, standards, methods of packing and character of the manufactured sardine products, in order to determine and improve their quality and aid in merchandising and advertising them under the direction of the Maine Sardine Council. The information and data and the services of the personnel who collect and classify it may be made available to the Commissioner of Agriculture for use in promulgating, establishing and modifying official grades for sardines and for use in assigning and determining grades of sardines and in enforcing applicable provisions of the law.**

#### STATEMENT OF FACT

The amendments proposed in this bill are mainly to simplify and to make minor changes to reflect existing conditions in the State and industry.

Title 36, section 4693, is amended to permit all sardine companies to be represented on the Maine Sardine Council. At the time of the original legislation, there were over 30 different companies and such a large council would not be practical. Today, with only 8 companies, representation of all seems desirable.