

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1531

S.P. 507

In Senate, May 13, 1987

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Reference to the Committee on Marine Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Representative RICE of Stonington,
Representative LOOK of Jonesboro, Representative SALSBURY of
Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Clarify the Organization of the
Maine Sardine Council.

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3

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

6 Sec. 1. 10 MRSA §1703 is repealed.

7 Sec. 2. 36 MRSA §4693, as amended by PL 1985, c.
8 785, Pt. B, §173, is repealed and the following en-
9 acted in its place:

10 §4693. Sardine Council

11 The Maine Sardine Council, as established by Ti-
12 tle 5, section 12004, subsection 9, shall consist of
13 not more than 9 nor less than 5 members to be ap-
14 pointed by the Commissioner of Marine Resources.

1 Fifty-one percent of the members of the council shall
2 constitute a quorum and the affirmative vote of at
3 least 4 members shall be necessary for the transac-
4 tion of all business and the carrying out of the du-
5 ties of the council. The members shall be practical
6 sardine packers, operating within the State, who have
7 been actively engaged in packing sardines for not
8 less than 2 years and each shall be so actively en-
9 gaged during his continuance in office. A person
10 shall be considered actively engaged in packing
11 sardines if he has, during the period, derived a sub-
12 stantial portion of his income from packing sardines,
13 or has been the directing or managing head of an en-
14 tity that derives a substantial portion of its income
15 from packing sardines.

16 Each council member may designate one alternate
17 to represent him as a voting council member during
18 any council meeting which that member can not attend.
19 Each alternate council member shall be appointed by
20 the Commissioner of Marine Resources. At no time may
21 a regular council member and that member's designated
22 alternate vote on any matter which may be before the
23 council during any meeting.

24 Regular council member appointments and alternate
25 council member appointments shall be for a term of 5
26 years and each member shall serve until his successor
27 is duly appointed and qualified. In the case of a va-
28 vacancy caused by death, resignation or otherwise, the
29 vacancy shall be filled promptly by the Commissioner
30 of Marine Resources for the unexpired period of the
31 term.

32 The members of the council shall be compensated
33 according to the provisions of Title 5, chapter 379.
34 Each council member's designated alternate shall also
35 be reimbursed for expenses incurred in the perform-
36 ance of their duties, but at no time may a regular
37 council member and that member's designated alternate
38 be reimbursed for expenses incurred at the same time.
39 They are authorized to select and employ an executive
40 director-advertising and merchandising manager to ad-
41 minister the advertising, merchandising, research and
42 development program, in concurrence with the Commis-
43 sioner of Marine Resources, and fix his salary. The
44 council is authorized to consult with the Commission-

1 er of Agriculture, Food and Rural Resources consist-
2 ent with Title 32, chapter 61. The executive direc-
3 tor, with the consent of the council, may engage,
4 subject to the Civil Service Law, sufficient clerical
5 personnel and other employees for the efficient per-
6 formance of his duties.

7 Administrative proceedings of the council shall
8 be in accordance with the Maine Administrative Proce-
9 dure Act, Title 5, chapter 375. Meetings and records
10 of the council are subject to Title 1, chapter 13,
11 subchapter 1, except all council records containing
12 tax records filed in accordance with section 4697,
13 including individual plant pack data; quality control
14 information and inspection records compiled pursuant
15 to section 4699, subsection 2, paragraph C, and Title
16 32, sections 4155, 4156 and 4157-A; and any other
17 proprietary information obtained from individual pro-
18 cessing plants, including information concerning
19 packing technology, shall be confidential.

20

STATEMENT OF FACT

21 Section 1 of the bill repeals the Maine Revised
22 Statutes, Title 10, section 1703.

23 Section 2 of the bill amends the composition of
24 the council. When the Maine Sardine Tax Law was en-
25 acted in 1951, nearly 40 companies were packing
26 sardines in this State. Today only 6 companies are
27 packing sardines in this State.

1 Current law requires that the council is to con-
2 sist of no less than 7 members. With only 6 compa-
3 nies operating in this State, however, this require-
4 ment can not be met without some uneven representa-
5 tion. In order to avoid this problem, this bill
6 changes the law to allow the council to consist of no
7 less than 5 members. It has become increasingly dif-
8 ficult to establish the quorum necessary in order for
9 the council to conduct its business during a meeting
10 with only 6 council members. The bill therefore pro-
11 vides for the appointment of alternate council mem-
12 bers but provides that each company be limited to
13 representation by only one voting member at each
14 meeting and that expenses only be reimbursed to one
15 individual from each company when more than one rep-
16 resentative has incurred expenses in the performance
17 of the same council duties.

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