

# MAINE STATE LEGISLATURE

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(New Draft of S.P. 507, L.D. 1531)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1707

S.P. 572

In Senate, June 1, 1987

Reported by Senator Estes of York for the Committee on Marine Resources and printed under Joint Rule 2. Original Bill sponsored by Senator Matthews of Kennebec. Cosponsored by: Representative Rice of Stonington, Representative Look of Jonesboro, Representative Salsbury of Bar Harbor.

JOY J. O'BRIEN, Secretary of the Senate

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6 **Sec. 1.** 10 MRSA §1703 is repealed.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 B, §173, is repealed and the following en-  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 1. Council established. The Maine Sardine Council,  
12 as established by Title 5, section 12004, sub-  
13 section 9, shall consist of not more than 9 nor less

1 than 5 members to be appointed by the Commissioner of  
2 Marine Resources. Fifty-one percent of the members  
3 of the council shall constitute a quorum and the af-  
4 firmative vote of at least 4 members shall be neces-  
5 sary for the transaction of all business and the car-  
6 rying out of the duties of the council. The members  
7 shall be sardine packers, operating within the State,  
8 who have been actively engaged in packing sardines  
9 for not less than 2 years and each shall be so ac-  
10 tively engaged during his continuance in office. A  
11 person shall be considered actively engaged in pack-  
12 ing sardines if he has derived, during the period, a  
13 substantial portion of his income from packing  
14 sardines, or has been the director or manager of an  
15 entity that derives a substantial portion of its in-  
16 come from packing sardines.

17 2. Alternates. Each council member may desig-  
18 nate one alternate to represent him as a voting coun-  
19 cil member during any council meeting which that mem-  
20 ber can not attend. Each alternate council member  
21 shall be appointed by the Commissioner of Marine Re-  
22 sources. At no time may both a regular council mem-  
23 ber and that member's designated alternate vote on  
24 any matter which may be before the council during any  
25 meeting.

26 3. Appointments. Regular council member ap-  
27 pointments and alternate council member appointments  
28 shall be for a term of 5 years and each member shall  
29 serve until his successor is duly appointed and qual-  
30 ified. In the case of a vacancy caused by death, res-  
31 ignation or otherwise, the vacancy shall be filled  
32 promptly by the Commissioner of Marine Resources for  
33 the unexpired period of the term.

34 4. Compensation. The members of the council  
35 shall be compensated according to the provisions of  
36 Title 5, chapter 379. Each council member's desig-  
37 nated alternate shall also be reimbursed for expenses  
38 incurred in the performance of their duties, but at  
39 no time may a regular council member and that  
40 member's designated alternate be reimbursed for ex-  
41 penses incurred for attendance at the same meeting.

42 5. Executive director; staff. The council, in  
43 concurrence with the commissioner of Marine Re-

1 sources, may select and employ an executive  
2 director-advertising and merchandising manager to ad-  
3 minister the advertising, merchandising, research and  
4 development program and fix his salary. The council  
5 may consult with the Commissioner of Agriculture,  
6 Food and Rural Resources consistent with Title 32,  
7 chapter 61. The executive director, with the consent  
8 of the council, may engage, subject to the Civil Ser-  
9 vice Law, sufficient clerical personnel and other em-  
10 ployees for the efficient performance of his duties.

11 6. Proceedings. Administrative proceedings of  
12 the council shall be in accordance with the Maine Ad-  
13 ministrative Procedure Act, Title 5, chapter 375.  
14 Meetings and records of the council are subject to  
15 Title 1, chapter 13, subchapter 1, except all council  
16 records containing tax records filed in accordance  
17 with section 4697, including individual plant pack  
18 data; quality control information and inspection  
19 records compiled pursuant to section 4699, subsection  
20 2, paragraph C, and Title 32, sections 4155, 4156 and  
21 4157-A; and any other proprietary information ob-  
22 tained from individual processing plants, including  
23 information concerning packing technology, shall be  
24 confidential.

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#### STATEMENT OF FACT

26 Section 1 of the new draft repeals the Maine Re-  
27 vised Statutes, Title 10, section 1703.

28 Section 2 of the new draft amends the composition  
29 of the council. When the Maine Sardine Tax Law was  
30 enacted in 1951, nearly 40 companies were packing  
31 sardines in this State. Today only 6 companies are  
32 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 new  
6 draft changes the law to allow the council to consist  
7 of no less than 5 members. It has become increasing-  
8 ly difficult to establish the quorum necessary in or-  
9 der for the council to conduct its business during a  
10 meeting with only 6 council members. The new draft  
11 therefore provides for the appointment of alternate  
12 council members but provides that each company be  
13 limited to representation by only one voting member  
14 at each meeting and that expenses only be reimbursed  
15 to one individual from each company when more than  
16 one representative has incurred expenses in the per-  
17 formance of the same council duties.

18 The new draft clarifies the voting and compensa-  
19 tion provisions. The funding for this program comes  
20 from dedicated revenue from the sardine excise tax.

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