

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2016

H.P. 1447

House of Representatives, December 21, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 21, 1989. Referred to the Committee on Marine Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RUHLIN of Brewer.

Cosponsored by Representative TOWNSEND of Eastport, Senator BRAWN of Knox and Senator BRANNIGAN of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend Laws Regulating the Sardine Industry by Enhancing
Export Opportunities.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, the Maine sardine industry is losing market
opportunities worth thousands of dollars each year in the
territories and possessions of the United States due to
8 restrictions in the laws of this State that were created to
enhance the quality of sardines sold in the markets of the United
10 States; and

12 Whereas, a rapid resolution of the restrictions that reduce
access to these markets is in the best interests of the Maine
14 sardine industry, the people it employs and the economy of the
State; and

16 Whereas, in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

24 **Sec. 1. 32 MRSA §4157, sub-§§4 and 5, as enacted by PL 1979, c.**
26 **62, §4, are amended to read:**

28 **4. Labeling.** Fish packed in accordance with this section
and the regulations may be plainly and conspicuously marked
30 "Maine Sardines." Fish Except as provided in section 4157-A,
which fish that are packed in a manner inconsistent with this
32 section and the regulations shall not be sold for consumption in
the United States unless each can and case is plainly and
34 conspicuously marked with the word "herring," and the word
"sardine" does not appear.

36 **5. Substandard grade.** Sardines Except as provided in
38 section 4157-A, sardines which that are officially designated as
substandard grade, for which a certificate is issued, shall not
40 be sold for consumption in the United States unless each can in
the lot has the words "Substandard Grade, Good Food-Not High
42 Quality" so placed as to be easily seen when the name of the
product or pictorial representation thereof is viewed and appear
44 conspicuously enough to be seen under ordinary conditions of
purchase. The words "Substandard Grade, Good Food-Not High
46 Quality" shall be printed in 2 lines across the cover of all cans
in letters not less than 1/8 of an inch in height and be enclosed
48 in lines which are not less than 1/32 of an inch in width. This
wording shall be printed on all wrappers, labels, cartons or

2 other outer coverings of the cans with a permanent type of
3 indelible ink, or by means of other approved procedure. The words
4 "Substandard Grade" shall appear in letters not less than one
inch in height on both ends of the shipping container.

6 Sec. 2. 32 MRSA §4157-A, as amended by PL 1989, c. 482, §1,
is further amended to read:

8
10 **§4157-A. Sardines for export; exempt from quantity and
quality provisions of Maine Sardine Law**

12 Sardines that satisfy the requirements of the Maine Food
14 Law, but not the requirements of the Maine Sardine Law, may be
exported by complying with the shipping carton marking and
16 bonding provisions of this section. For the purposes of this
section, the term "exported" includes shipments of sardines to
18 the Commonwealth of Puerto Rico, the Virgin Islands, American
Samoa, Guam, the Commonwealth of the Northern Mariana Islands and
the trust territory of Palau.

20 The cover of each can of sardines that satisfy the
22 requirements of the Maine Food Law, but not the requirements of
the Maine Sardine Law shall be labelled with the name of the
24 packer. Each shipping carton shall be marked plainly and
conspicuously with the words "FOR EXPORT" in letters not less
26 than 1/2 inches high.

28 The commissioner shall detain or place an embargo upon such
30 sardines by marking or tagging same; orders for detention or
embargo issued under this section shall not be considered to be
32 licensing or an adjudicatory proceeding as those terms are
defined by the Maine Administrative Procedure Act. The
34 commissioner shall not release the sardines from detention or
embargo until the packer provides a bond with good and sufficient
36 sureties in an amount not less than twice the value of the
sardines, running to the commissioner and the commissioner's
38 successors in office, conditioned that such sardines shall be
exported to a ~~foreign country~~ the destination to be named therein
40 and shall not be reimported into any state of the United States
or the District of Columbia by any person, or in such other
42 amount and upon such other conditions as may be established by
the commissioner; or if the packer is regularly engaged in the
44 business of exporting sardines, the packer may provide one bond
in the amount of \$10,000 to cover all such exports, conditioned
46 that such sardines shall be exported to a ~~foreign country~~ the
destination declared and shall not be reimported to any state of
the United States or the District of Columbia by any person and
48 that the packer will inform the commissioner of the value and the
~~foreign country~~ of destination of each shipment in writing prior
50 to release of the embargo and such additional documentary
evidence as the commissioner may require within 45 days of the
52 date of such shipment. A packer shall be deemed regularly engaged

2 in the business of exporting sardines if the packer makes 2 or
3 more shipments in any one year.

4 Shipments to United States military procurement agencies
5 which that do not meet market requirements within any state of
6 the United States,--its--territories--and--possessions- or the
7 District of Columbia as specified by the Maine Sardine Law shall
8 not be deemed as being exported-~~to-a-foreign-country~~.

10 **Emergency clause.** In view of the emergency cited in the
11 preamble, this Act shall take effect when approved.
12

14
16 **STATEMENT OF FACT**

18 Under Maine law, cans of sardines packed for sale in the
19 United States may contain no fewer than 4 fish in each can. Cans
20 of Maine sardines containing fewer than 4 fish may be sold to
21 foreign countries, where significant markets for that product
22 exist, as long as packers comply with the shipping carton and
23 bonding provisions of Maine law. Valuable markets for cans of
24 sardines containing fewer than 4 fish also exist in the
25 territories and possessions of the United States, although
26 current law does not allow the Maine sardine industry to take
27 advantage of these markets. This bill amends the law to allow
28 shipments of cans of sardines containing fewer than 4 fish to
29 markets in the territories and possessions of the United States,
30 while retaining those provisions that exclude the sale of these
31 products in markets in the United States.
32