

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 664

H. P. 1639 House of Representatives, March 15, 1929.

Reported by Mr. Boynton from Committee on Sea and Shore Fisheries and laid on table for printing under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Regulate the Quality of Sardines Packed in This
State.

EMERGENCY PREAMBLE

Whereas, there is no existing provision of law regulating the quality of sardines packed in this state and requiring and providing for an inspection of sardine packing plants which pack such sardines for food purposes and of the sardines packed in such plants, and

Whereas, the packing season for sardines begins annually on or about the 15th day of April which is prior to the period when an act of the legislature not bearing an emergency clause would take effect, and

Whereas, in the judgment of this legislature it is necessary that immediate provision should be made for regulating the quality of sardines packed in this state and providing for the inspection of packing plants which pack such sardines for food purposes and of the sardines packed in such plants, and

Whereas, in the judgment of this legislature, these facts constitute an emergency within the meaning of the constitution of the state of Maine and therefore require the following legislation as immediately necessary for the preservation of the public peace, health and safety,

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

Section 1. No person, firm, corporation, association or
2 society shall pack sardines in the state of Maine for sale
3 without having first filed with the commissioner of agri-
4 culture an application for license accompanied with a fee
5 of fifty dollars upon receipt of which application the com-
6 missioner of agriculture shall issue to the person, firm,
7 corporation, association or society making such application
8 a license to pack sardines as hereinafter provided. Each
9 such license shall cover one group of buildings constituting
10 a packing plant in one location. Said license shall run
11 from April fifteenth to December first of the current year,
12 unless sooner revoked as herein provided and shall be
13 renewed annually thereafter.

Sect. 2. The commissioner of agriculture shall have the
2 power to revoke or suspend any license issued under the

3 provisions of this act whenever it is determined by himself
4 or any of his deputies that any of the provisions of this
5 act have been violated. Any person, firm, corporation,
6 association or society whose license has been so revoked
7 or suspended shall discontinue the packing of sardines until
8 the provisions of this act have been complied with and a
9 new license issued, or the suspension removed. The com-
10 missioner of agriculture may revoke or suspend such license
11 temporarily until there is a compliance with the provisions
12 of this act as hereinafter provided or permanently for the
13 unexpired period of such license. Before revoking or sus-
14 pending any license, the commissioner of agriculture shall
15 give written notice to the licensee affected stating that he
16 contemplates the revocation or suspension of the same and
17 giving his reasons therefor, such notice shall appoint a
18 time of hearing before said commissioner. On the date of
19 hearing the licensee may present such evidence to the com-
20 missioner as he deems fit and after hearing all the testimony,
21 the commissioner shall decide as to whether the license shall
22 be revoked or not. Any licensee who feels aggrieved or
23 dissatisfied with the decision of the commissioner may appeal
24 from said decision within ten days to the supreme court
25 or the superior court of the county where the licensee
26 resides.

Sect. 3. For the purposes of this act the term "sardine"
2 shall be held to include any small, canned, clupeoid fish,

3 being the fish commonly called herring, particularly the
4 *clupea harengus*.

Sect. 4. The commissioner of agriculture shall by adequate inspection see that sardines are packed in conformity with the requirements of the Federal Food and Drug Act and the Food and Drug Act of the State of Maine, and the provisions of this act. He shall make uniform rules and regulations for carrying out the provisions of this act and shall fix standards of quality when such standards are not fixed by law; and he shall authorize the persons packing sardines in conformity with the requirements of this chapter to mark the container of said sardines with a statement certifying that the food contained therein was packed, inspected, and passed under the Maine Food and Drug Act. Any sardines falsely marked shall be deemed to be misbranded, and any person, firm, corporation, association or society who shall misbrand or falsely mark any container of sardines or sell or offer for sale such misbranded containers shall be punished by a fine not exceeding five hundred dollars for each container thus falsely marked. The commissioner of agriculture shall employ inspectors in numbers so that adequate inspection can be performed, the compensation of the inspectors shall be fixed by the said commissioner and it shall be the duty of said inspectors to inspect all the places, shops and factories, in the state of Maine, wherever sardines are being packed for sale, and for this purpose such inspectors shall have free access,

26 ingress and egress at all reasonable hours to any sardine
27 packing plant, may open any case or container and may
28 upon tendering the market price, take samples therefrom.

Sect. 5. Each packer shall pay monthly, not later than
2 the tenth day of each month, one cent per case on the
3 amount of sardines packed during the previous month, to-
4 ward the cost of maintaining the inspection herein provided
5 for and as a part of the fee for obtaining and retaining
6 his license. All license fees and all money received under
7 this act by the commissioner of agriculture shall be paid
8 by him to the treasurer of state and the same are hereby
9 appropriated for carrying out the provisions of this act
10 and for no other purpose.

Sect. 6. The minimum count of fish per one-quarter size
2 keyless can shall be four fish. The minimum count of fish
3 per one-quarter size key can shall be five fish. The mini-
4 mum quantity of oil shall be not less than four pounds
5 per case of one hundred one-quarter size cans and the oil
6 shall be a vegetable or cotton seed of a grade not below
7 that of "Prime Summer Yellow." The minimum count of
8 fish for one-quarter size mustard cans shall be four fish
9 and the minimum quantity of mustard sauce shall be not
10 less than eight pounds per case of one hundred one-quarter
11 size cans. The minimum count of fish for three-quarters
12 size mustard cans shall be four fish and the minimum
13 quantity of mustard sauce shall be not less than eight
14 pounds per case of forty-eight three-quarter size cans. For

15 all one-quarter size tomato cans there shall be not less than
16 eight pounds tomato sauce of not less than 1.035 specific
17 gravity. Provided, however, that less than the minimum
18 count of fish per can as above specified or less than the
19 minimum quantity of oil or mustard sauce or tomato sauce
20 as above specified, may be packed if the cases in which they
21 are contained and each can in said case are plainly and
22 conspicuously marked with a legend indicating that the
23 contents of the cans are not in accord with the standard
24 of quality established in this act; such cases and cans so
25 marked in accord with the fact shall not be deemed to be
26 misbranded.

Sect. 7. On all one-quarter size cans used for packing
2 sardines there shall be used a compound lined gasket, or
3 other adequate gasket.

Sect. 8. Any person, firm, corporation, association or
2 society having in their possession any sardines packed by
3 them prior to the time when this act becomes effective may
4 apply for inspection of the aforesaid canned sardines and
5 if the inspectors acting under this act shall be satisfied that
6 such sardines have been packed and are labelled in con-
7 formity with the standards and provisions of this act, said
8 sardines may be labelled in accordance with the provisions
9 of section four, on payment of the license fee of one cent
10 per case provided by section five of this act.

Sect. 9. Any person, firm, corporation, association or
2 society who shall pack sardines in the state of Maine for

3 sale without the license provided for in this act or who
4 shall violate any provisions of this act or neglect or refuse
5 to comply with any of the provisions required herein or any
6 way violate any of its provisions shall be punished by a
7 fine of five hundred dollars and imprisonment in jail for
8 not more than six months for each and every offense and
9 municipal courts shall have jurisdiction of the offense.

Sect. 10. In view of the emergency cited in the preamble,
2 this act shall take effect when approved.