

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 861

H. P. 1213

House of Representatives, February 13, 1947

Referred to the Committee on Sea and Shore Fisheries, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Heanssler of Deer Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relating to the Administration of Laws Regulating the Packing
of Sardines.**

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

Sec. 1. R. S., c. 27, §§ 198-203, 203-A, 204, 205, repealed. Sections 198 to 205, inclusive, of chapter 27 of the revised statutes, as amended, and section 203-A, as enacted by section 3 of chapter 78 of the public laws of 1945, are hereby repealed.

Sec. 2. R. S., c. 34, §§ 27-A - 27-I, additional. Chapter 34 of the revised statutes is hereby amended by adding thereto 9 new sections to be numbered 27-A to 27-I, to read as follows:

'Sec. 27-A. Packers to be licensed by commissioner. No person, firm, corporation, association, or society shall pack sardines within the state for sale without having first filed with the commissioner an application for license accompanied with a fee of \$50 upon receipt of which application the commissioner shall issue to the person, firm, corporation, association, or society making such application a license to pack sardines as hereinafter provided. Each such license shall cover one group of buildings constituting a packing plant in one location. Said license shall run from April 15th to December 1st of each year, unless sooner revoked as herein provided and shall be renewed annually thereafter.

Sec. 27-B. Repeal or revocation of license; appeal. The commissioner shall have the power to revoke or suspend any license issued under the provisions of sections 27-A to 27-I, inclusive, whenever it is determined by himself or any of his deputies that any of the provisions of said sections have been violated. Any person, firm, corporation, association, or society whose license has been so revoked or suspended, shall discontinue the packing of sardines until the provisions of said sections have been complied with and a new license issued, or the suspension removed. The commissioner may revoke or suspend such license temporarily until there is a compliance with the provisions of said sections as hereinafter provided, or permanently for the unexpired period of such license. Before revoking or suspending any license, the commissioner shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reasons therefor; such notice shall appoint a time of hearing before said commissioner. On the date of hearing the licensee may present such evidence to the said commissioner as he deems fit and after hearing all the testimony, the said commissioner shall decide as to whether the license shall be revoked or not. Any licensee who feels aggrieved or dissatisfied with the decision of the commissioner may appeal from said decision within 10 days to the superior court.

Sec. 27-C. Definition. For the purposes of sections 27-A to 27-I, inclusive, the term "sardine" shall be held to include any small, canned, clupeoid fish, being the fish commonly called herring, particularly the *clupea harengus*.

Sec. 27-D. Inspection; conformity with the food and drug acts; branding of cans. The commissioner shall by adequate inspection see that sardines are packed in conformity with the requirements of the federal food and drug act and the laws of this state, and the provisions of sections 27-A to 27-I, inclusive. He shall make uniform rules and regulations for carrying out the provisions of said sections 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 said sections 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 of not more than \$500 for each container thus falsely marked. The commissioner shall employ inspectors in numbers so that adequate inspection can be per-

formed; 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 this state, wherever sardines are being packed for sale, and for this purpose such inspectors shall have free access, ingress, and egress at all reasonable hours to any sardine packing plant, may open any case or container and may, upon tendering the market price, take samples therefrom.

Sec. 27-E. Fees; disposition. Each packer shall pay monthly, not later than the 10th day of each month, 2c per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section 27-D and as a part of the fee for obtaining and retaining his license. All license fees and all money received under the provisions of sections 27-A to 27-I, inclusive, by the commissioner shall be paid by him to the treasurer of state and the same are hereby appropriated for carrying out the provisions of sections 27-A to 27-I, inclusive, and for no other purpose.

Sec. 27-F. Standards of contents of cans; misbranding. The minimum count of fish per $\frac{1}{4}$ size keyless can, whether packed in oil, mustard sauce, tomato sauce, or other packing medium, shall be 4 fish, and in all cans packed with less than 8 fish, the heads of all fish shall be removed by cutting. No broken fish shall be packed. The minimum quantity of oil shall be not less than 4 pounds per case of 100 $\frac{1}{4}$ size cans. The minimum count of fish for $\frac{3}{4}$ size cans shall be 4 fish, and the minimum quantity of mustard or tomato sauce shall be not less than 6 pounds per case of 48 $\frac{3}{4}$ size cans. For all $\frac{1}{4}$ size cans of sardines packed with tomato or mustard sauce, there shall be not less than 6 pounds of tomato or mustard sauce per case of 100 $\frac{1}{4}$ size cans.

The minimum count of fish per $\frac{1}{4}$ size key can, whether packed in oil, mustard sauce, tomato sauce, or other packing medium, shall be 5 fish. In all key cans packed with less than 8 fish, the heads of all fish shall be removed by cutting, and the tails shall be removed by cutting, or shall be neatly trimmed. No broken fish shall be packed. The minimum quantity of oil shall be not less than 5 pounds per case of 100 $\frac{1}{4}$ size key cans. The minimum quantity of mustard or tomato sauce shall be not less than 6 pounds per case of 100 $\frac{1}{4}$ size key cans. The minimum count for $\frac{3}{4}$ size cans shall be 4 fish, and the minimum quantity of mustard or tomato sauce shall be not less than 6 pounds per case of 48 $\frac{3}{4}$ size cans.

For "fancy grade" sardines, the minimum count of fish per $\frac{1}{4}$ size can shall be 5 fish. All fish shall have heads removed by cutting, and in all

cans packed with less than 8 fish the tails shall be removed by cutting or shall be neatly trimmed. The minimum quantity of oil shall be not less than $5\frac{1}{2}$ pounds per case of 100 $\frac{1}{4}$ size cans. The fish in the cans shall be free from defects, no detached heads or tails present, and the fish shall be uniform in size.

In packing all grades of sardines, the quality of the oil shall be for cottonseed a "prime winter yellow" sweet in flavor and odor and shall not contain more than $\frac{1}{10}$ of 1% of free fatty acid, or a pure unadulterated soyabean oil, peanut oil, olive oil or any vegetable oil not below the grade of "prime winter yellow" cottonseed oil. The quality of the tomato sauce shall be of not less than 1.035 specific gravity.

Provided, however, that less than the minimum count of fish per can as above specified may be packed if the cases in which they are contained and each can in said cases are plainly and conspicuously marked with the word "herring" but the word "sardine" nor "sardines" shall not appear either on the case or on the cans that contain less than the minimum count of fish per can as above specified. And it is further provided that less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified may be packed if the cases in which they are contained and each can in said cases are plainly and conspicuously marked with the legend indicating that the contents of the cans are not in accord with the standard of quality established in this section. Such cases and cans so marked as "herring" and not marked "sardine" or "sardines" and such cans that contain less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified and marked in accord with the fact shall not be deemed to be misbranded.

Sec. 27-G. Definition of "cutting". For the purpose of this chapter, the term "cutting" shall be held to mean removing the heads of the fish packed, either before or after flaking and steaming, by some implement or device operated by hand, or by a machine or mechanical device operated by power. The operation of "cutting" does not mean the practice of beheading the fish by "snipping" or "pinching" the heads off the fish with the fingers.

Sec. 27-H. Cans to be hermetically sealed and enamel lined. On all cans used for packing sardines there shall be used a compound lined gasket, or other adequate gasket as will hermetically seal the container. All cans used for packing sardines shall be enamel lined.

Sec. 27-I. Penalty. Any person, firm, corporation, association, or society who shall pack sardines in the state for sale without the license pro-

vided for in section 27-A, or who shall violate any of the provisions of sections 27-A to 27-I, inclusive, or neglect or refuse to comply with any of the provisions required in said sections or in any way violate any of their provisions shall be punished by a fine of \$500 and imprisonment for not more than 6 months for each and every offense.'