

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 702

S. P. 263

In Senate, February 13, 1957.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Wyman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to the Duties of the Commissioner of Agriculture Re Sardine Canning Inspection Law and Standards of Contents of Cans.

Emergency preamble. Whereas, the sardine industry is one of the important industries of the State; and

Whereas, the packing or canning of sardines is a seasonal operation extending from April 15th to December 1st of each year; and

Whereas, maintaining and improving quality of the manufactured product and clarification of and improvement in standards of quality are desirable for both consumers and packers and will strengthen this important industry; and

Whereas, the inspection conducted by the Commissioner of Agriculture benefits both the packers and the public in helping to maintain and improve the quality of this important food product; and

Whereas, it is desirable to change the law which makes use of inspection certificates mandatory after April 15, 1956 so that such use will be voluntary; and

Whereas, it is desirable and necessary that changes in the law affecting the packing of sardines and inspection thereof should be in effect at the beginning of the packing season or as soon thereafter as possible so that the benefits of such changes may be realized promptly and so that uniform policies can be followed during the entire packing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legis-

lation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 32, § 261, amended. The 3rd paragraph of section 261 of chapter 32 of the Revised Statutes, as enacted by section 3 of chapter 174 of the public laws of 1955, is hereby amended to read as follows:

'Beginning April 15, ~~1956~~ 1958, the Commissioner ~~shall~~ may issue a certificate for each lot of sardines, as defined in the applicable code plan on file with him, stating the fact of his inspection, the date of inspection, the code, the number of containers in the lot, the number of cans inspected, and the quality or grade of said lot, which said certificate shall be prima facie evidence of the facts therein stated. ~~No licensee shall sell, ship, deliver or transfer possession or remove from the jurisdiction of the Commissioner any sardines for which a code plan is required unless and until such certificate shall have been issued therefor.~~ Certificates shall be issued only to those packers who make written request to the Commissioner, which requests must state that the applicant applies for certificates for the entire seasonal output of the year in which the application is made, or for the entire output of the balance of such season if the application is made after the season has begun, and such application shall include all plants operated by the individual, corporation or company making the application.'

Sec. 2. R. S., c. 32, § 262, amended. Section 262 of chapter 32 of the Revised Statutes is hereby amended by inserting after the 1st sentence thereof, a new sentence, as follows:

'The inspection fee herein provided for may be increased by the Commissioner after consultation with the Sardine Industry Advisory Board to an amount not to exceed 5c per case, in the event the fee of 3c per case is not adequate to cover the cost of such inspection, but such increased fee shall be reasonable and shall cover as nearly as may be possible the cost of such inspection.'

Sec. 3. R. S., c. 32, § 263, amended. The 1st 6 paragraphs of section 263 of chapter 32 of the Revised Statutes, as amended by chapters 174 and 208 of the public laws of 1955, are hereby further amended to read as follows:

'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 such cans 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 7 pounds per case of 100 $\frac{1}{4}$ size cans.~~ The oil feeding device or mechanism shall deliver to the $\frac{1}{4}$ size keyless cans oil at a rate of not less than 19.66 cubic centimeters of oil per can. 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.~~ The mustard sauce feeding device or mechanism shall deliver to the $\frac{3}{4}$ size cans mustard sauce at a rate of not less than 2 ounces of mustard sauce per can and the tomato sauce feeding device or mechanism shall deliver tomato sauce to the $\frac{3}{4}$ size cans at a rate of not less than 2 ounces of tomato sauce per can. ~~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 1/4 size cans~~ The mustard sauce feeding device or mechanism shall deliver mustard sauce to all 1/4 size cans at a rate of not less than one ounce of mustard sauce per can and the tomato sauce feeding device or mechanism shall deliver tomato sauce to all 1/4 size cans at a rate of not less than one ounce of tomato sauce per can. After the packing process is completed, the fish sealed in the cans shall be free from defects, no detached heads or tails present. ~~Provided, however, that when~~ When less than 5 fish are packed in a 1/4 size keyless can, there shall be plainly and permanently lithographed thereon in letters and numerals not less than 1/8 inch in height a statement clearly indicating that the contents are 4 fish or 4 sardines and the packer shall so offer such cans for sale.

The minimum count of fish per 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 the heads of all fish shall be removed by cutting, and in all key cans packed with less than 8 fish 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 1/4 size key cans. The minimum quantity of mustard or tomato sauce shall be not less than 6 pounds per case of 100 1/4 size key cans~~ The oil feeding device or mechanism shall deliver oil to all 1/4 size key cans at a rate of not less than 24.5 cubic centimeters of oil per can. The minimum count for 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 ~~100 3/4 size cans~~. The mustard sauce feeding device or mechanism shall deliver mustard sauce to all 1/4 size key cans at a rate of not less than one ounce of mustard sauce per can and shall deliver mustard sauce to all 3/4 size cans at a rate of not less than 2 ounces of mustard sauce per can. The tomato sauce feeding device or mechanism shall deliver tomato sauce to all 1/4 size key cans at a rate of not less than one ounce of tomato sauce per can and shall deliver tomato sauce to all 3/4 size cans at a rate of not less than 2 ounces of tomato sauce per can. After the packing process is completed, the fish sealed in the cans shall be free from defects, no detached heads or tails present.

For "fancy grade" sardines, the minimum count of fish per 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 1/2 pounds per case of 100 1/4 size cans. After the packing process is completed, the fish sealed in the cans shall be free from defects, no detached heads or tails present.

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 1/10 of 1% of free fatty acid, or a pure unadulterated soya bean oil, peanut oil, olive oil or any vegetable oil not below the grade of "prime yellow" cottonseed oil. The quality of the tomato sauce shall be of not less than 1.05 specific gravity.

In packing all sardines, the quality of the vegetable salad oil used shall be a pure, edible vegetable oil, which shall be clear and thoroughly refined. It shall be a deodorized oil free from rancidity, objectionable flavor and shall satis-

factorily stand the 5 hour cold test, so called. Its color shall not be darker than 7 lovibond units. The oil shall have a free fatty acid content of not more than .07% and shall retain a satisfactory flavor after heating to 400° Fahrenheit. In packing all sardines, the olive oil used shall possess a typical greenish to light yellow color and shall possess a free fatty acid content, calculated as oleic, of not more than 1.4%. The olive oil shall be free of defects and possess a good typical odor and a good typical flavor. In packing all sardines, the tomato sauce used shall possess a fairly good red tomato color and shall be free of defects and shall possess a fairly good tomato puree (tomato pulp) flavor. It shall have not less than 8.37% salt-free tomato solids and a specific gravity of not less than 1.035.

The minimum count of fish, which may be any size, per #1 oval can, commonly known as a one pound or 15-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. No broken fish shall be placed in cans. ~~The minimum quantity of mustard sauce, tomato sauce or other packing medium shall be not less than 2 ounces per can. The quality of tomato sauce shall be not less than 1.06 specific gravity.~~ The device or mechanism feeding oil, mustard sauce, tomato sauce or other packing medium shall deliver the mustard sauce, tomato sauce, oil or other packing medium to all #1 oval cans, commonly known as one pound or 15-ounce oval cans, at a rate of not less than 2 ounces per can.

The minimum count of fish per 8-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. No broken fish shall be packed. ~~The minimum quantity of mustard sauce, tomato sauce or other packing medium shall be not less than 1 ounce per can. The quality of tomato sauce shall be not less than 1.06 specific gravity.~~ The device feeding mustard sauce, tomato sauce, oil or other packing medium shall deliver mustard sauce, tomato sauce, oil or other packing medium to all 8 ounce oval cans at a rate of not less than one ounce per can. Sardines thus packed shall be plainly and conspicuously marked "MAINE SARDINES."

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.