

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Augusta, Maine
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Whereas, there are presently no statutory provisions that permit the Commissioner of Marine Resources to distinguish the genuine and legitimate applications from others; and

Whereas, issuing licenses to all these applicants will either seriously deplete fish stocks or provide a subterfuge for evading federal regulations; and

Whereas, a moratorium on the issuing of licenses will allow time to consider revisions in our statutes to meet this serious and immediate threat; 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 legislation 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:

12 MRSA § 6501, sub-§ 7 is enacted to read:

7. **License freeze.** On or after the effective date of this section, commercial fishing licenses shall be issued only to persons who are recorded by the Department of Marine Resources as having held a commercial fishing license, a lobster and crab fishing license or a scallop license between January 1, 1977 and January 1, 1979.

This subsection shall be repealed on June 1, 1979.

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

Effective March 14, 1979

CHAPTER 26

H. P. 128 — L. D. 133

AN ACT Amending the Sardine Tax Law.

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

Sec. 1. 32 MRSA § 4152, first sentence is amended to read:

The Commissioner of Agriculture after such consultation with members of the industry as he regards desirable shall appoint **not more than 9 or less than 7** practical sardine packers as defined in Title 36, section 4693 to a board to be known as the Sardine Industry Advisory Board.

Sec. 2. 36 MRSA § 4692, sub-§ 1, as amended by PL 1975, c. 656, is repealed and the following enacted in its place:

1. Case. A "case" of sardines shall mean either of the following, regardless of the packing medium:

- A. 100 cans when the stated net weight of the contents is under 7 ounces; or
- B. 48 cans when the stated net weight of the contents is 7 ounces or over.

Sec. 3. 36 MRSA § 4693, first sentence, as amended by PL 1973, c. 513, § 22, is repealed and the following enacted in its place:

The Maine Sardine Council, as heretofore established, shall consist of not more than 9 nor less than 7 members to be appointed by the Commissioner of Marine Resources.

Sec. 4. 36 MRSA § 4693, 2nd sentence, is repealed and the following enacted in its place:

Fifty-one percent of the members of the council shall constitute a quorum and the affirmative vote of at least 51% of the members shall be necessary for the transaction of all business and the carrying out of the duties of the council.

Sec. 5. 36 MRSA § 4693, last ¶, as last amended by PL 1975, c. 481, § 3, is repealed and the following enacted in its place:

The members of the council shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties. They are authorized to select and employ an executive director-advertising and merchandising manager to administer the advertising, merchandising, research and development program, in concurrence with the Commissioner of Marine Resources, and fix his salary. The executive director, with the consent of the council, is authorized, subject to the Personnel Law, to engage sufficient clerical personnel and other employees for the efficient performance of his duties.

Sec. 6. 36 MRSA § 4699, sub-§ 2, ¶¶ A and C, as last amended by PL 1975, c. 481, § 3, are repealed and the following enacted in their place:

A. For the purpose of merchandising and advertising Maine sardines for food under the direction of the Maine Sardine Council;

C. For gathering, studying, classifying and distributing information and data concerning quality, grades, standards, methods of packing and character of the manufactured sardine products, in order to determine and improve their quality and aid in merchandising and advertising them under the direction of the Maine Sardine Council. The information and data and the services of the personnel who collect and classify it may be made available to the Commissioner of Agriculture for use in promulgating, establishing and modifying official grades for sardines and for use in assigning and determining grades of sardines and in enforcing applicable provisions of the law.