

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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**Legislative Document**

**No. 1283**

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H. P. 947

House of Representatives, February 16, 1965

Referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Wight of Presque Isle and Mr. Martin of Eagle Lake.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT Establishing a Commercial Standard for Maine White-Cedar Shingles.**

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

**Sec. 1. R. S., T. 30, §§ 3653 and 3654, repealed.** Sections 3653 and 3654 of Title 30 of the Revised Statutes are repealed.

**Sec. 2. R. S., T. 30, c. 226, additional.** Title 30 of the Revised Statutes is amended by adding a new chapter 226, to read as follows:

**‘CHAPTER 226**

**COMMERCIAL STANDARD FOR MAINE WHITE-CEDAR SHINGLES**

**§ 3701. Purpose**

The purpose of this chapter is to establish a standard method of testing, rating, labeling and certifying of Maine white-cedar shingles, and to provide a uniform base for fair competition.

**§ 3702. Raw material**

Shingles labeled under this chapter shall be sawn from wood of the tree, *Thuja occidentalis* L., Northern White-Cedar, also known as Eastern Arborvitae.

**§ 3703. Maine commercial standard shingles**

1. Maine commercial standard shingles. “Maine commercial standard shingles”, MCST, shall mean northern white-cedar shingles that are graded by producers authorized by the State Forestry Department to label northern white-cedar shingles under this chapter.

2. Application. The Maine commercial standard for northern white-cedar

shingles shall apply only to those bundles of shingles which are imprinted as described under section 3710 of this chapter.

#### § 3704. Grades

Five grades of shingles shall be used and the grade shall be determined from poorer face of a shingle. No more than 5 shingles in a bundle may be below the grade designated on the bundle.

1. Extra. "Extra" means heartwood shingles which are completely clear with no defects or sapwood. No wane is permitted.

2. Clear. "Clear" means heartwood shingles which are clear of defects for 6 inches from the butt end. Sound red knots no wider than  $\frac{1}{3}$  the width of the shingle and unsound defects such as holes, black knots and slightly decayed knots not more than  $\frac{3}{4}$  inch in diameter are permitted between 6 inches and 11 inches of the butt end. Above 11 inches from the butt end, any combination of defects is permitted which will not impair the use of the shingle. Sapwood is permitted above 11 inches from the butt end.

3. 2nd clear. "2nd clear" means heartwood shingles may contain sound red knots no larger than a United States 50c piece for 6 inches from the butt end. No other defect is permitted for 6 inches from the butt end. Sound red knots up to  $\frac{1}{2}$  the width of the shingle are permitted between 6 inches and 11 inches of the butt end. Holes, black knots, decayed knots, rot pockets or streaks are permitted between 6 inches and 11 inches of the butt end if no more in width or length than  $\frac{1}{2}$  the width of the shingle. Sapwood is permitted above 6 inches from the butt end. Above 11 inches from the butt end any combination of defects is permitted which will not impair the use of the shingle. Wane is permitted above 6 inches from the butt end.

4. Clear wall. "Clear wall" means heartwood and sapwood shingles which are clear of defects for 6 inches from the butt end. Sound red knots up to  $\frac{1}{2}$  the width of the shingle are permitted between 6 inches and 11 inches of the butt end. Holes, black knots, decayed knots, rot pockets or streaks shall be permitted between 6 inches and 11 inches of the butt end if no more in width or length than  $\frac{1}{2}$  the width of the shingle. Wane is permitted above 6 inches from the butt end. Above 11 inches from the butt end any combination of defects is permitted which will not impair the use of the shingle.

5. Utility. "Utility" means heartwood and sapwood shingles which may contain sound red knots and other small defects in the entire length of the shingle, but no holes, black knots, decayed knots, rot pockets or streaks shall be permitted within 4 inches of the butt end. Holes, black knots, decayed knots, rot pockets or streaks shall be permitted between 4 inches and 11 inches of the butt end if no more in width or length than  $\frac{1}{2}$  the width of the shingle. Wane is permitted above 4 inches from the butt end. Above 11 inches from the butt end any combination of defects is permitted which will not impair the use of the shingle.

#### § 3705. Nomenclature and definitions

The following terms and definitions shall apply to the grading of Maine northern white-cedar shingles under this chapter.

1. **Black knot.** "Black knot" means a knot which results when a dead branch is surrounded by wood. It is generally black in color and it is not grown in its entirety into the surrounding wood.

2. **Commercial standard.** "Commercial standard" means that standard which is set up and established by authority as a rule for the measure of quantity, quality, weight, extent or value of a commodity.

3. **Defects.** "Defects" shall include holes, knots, rot pockets, rot streaks, wane, uneven feather tip, splits and checks, shake, stain and pith.

4. **Even feather tip.** "Even feather tip" means a condition of manufacture found on the thin ends of some shingles where the saw comes out of a piece prematurely, producing a thin, flimsy, feather-like edge which extends across the entire width of the shingle.

5. **Rot and decay.** "Rot" and "decay" means a disintegration of the wood which occurs through the action of wood-destroying fungi. Dote shall be deemed synonymous with rot and decay.

6. **Sapwood.** "Sapwood" means wood containing wood cells which were alive at the time the tree was cut in contrast to the inactive heartwood cells. Sapwood is distinguished from heartwood by its light color in contrast to the reddish to reddish-brown color of heartwood.

7. **Shake.** "Shake" means a lengthwise separation of the wood which usually occurs between and parallel to the growth rings. It is a defect.

8. **Shingle.** "Shingle" means a piece of sawn wood of various widths, with nearly parallel sides, which tapers so that the butt end is thicker than the other.

9. **Sound red knot.** "Sound red knot" means a knot which is solid across its face, as hard as the surrounding wood, shows no sign of decay, and is in its entirety firmly grown into the wood.

10. **Split or check.** "Split or check" means a lengthwise separation of the wood usually occurring across the growth rings. A split or check over  $\frac{1}{2}$  inch in length at the butt end is a defect.

11. **Uneven feather tip.** "Uneven feather tip" means a condition similar to "even feather tip" except that the feather-like edge is coarse and irregular in outline across the width of the shingle. It is a defect.

12. **Wane.** "Wane" means bark or the lack of wood or bark on the edge of a shingle.

#### § 3706. Dimension of shingles

All measurements for the standard established under this chapter shall be based upon green fresh sawn shingles.

1. **Length.** All shingles under this standard will have a minimum measurement of 16 inches in length with a tolerance of one inch allowed.

2. **Width.** The minimum width of the butt end of a shingle in the first 4 grades shall be  $3\frac{1}{2}$  inches and the maximum width shall be 12 inches. The

minimum width of the butt end of a shingle in grade "utility" shall be 3 inches and the maximum width shall be 12 inches. In the first 4 grades, the tip ends of shingles shall be no wider than the butt ends, and the maximum difference in width shall not exceed  $1/8$  inch at 11 inches from the butt end.

3. Breadth. The butt end of shingles of the first 5 grades when measured green shall be no less than  $5/2$  (5 shingles=2 inches).

#### § 3707. Dimension of bundles

A standard bundle of Maine northern white-cedar shingles shall contain 40 courses of shingles overlapping under the band stick with 20 courses on each side of the stick. When green, a bundle shall measure  $22\frac{1}{2}$  inches long with a tolerance of  $1/2$  inch; 20 inches wide with a tolerance of  $1/2$  inch;  $8\frac{1}{2}$  inches thick with a tolerance of  $1/2$  inch. The minimum lineal inches of butts in a course in a bundle shall be  $18\frac{1}{2}$  inches. When the shingles are air-dry, 12-15% moisture content, the minimum bundle thickness when bunched tightly shall be no less than  $7\frac{3}{4}$  inches.

#### § 3708. Sawing

All shingles of the higher 4 grades shall be sawed with sufficient care so as to yield reasonably smooth surfaces.

#### § 3709. Area coverage

The shingles in a standard bundle, when laid 5 inches to the weather, shall cover 25 square feet. Four standard bundles shall equal one square and one square shall cover 100 square feet when the shingles are laid 5 inches to the weather.

#### § 3710. Labeling

Maine northern white-cedar shingle producers ascribing to the standard established by this chapter shall be authorized to imprint on one or both ends of the shingle bundle the proper grade name for the quality of northern white-cedar shingles in the bundle. The grade name (EXTRA, CLEAR, 2ND CLEAR, CLEAR WALL, UTILITY) for the grade of shingle contained in the bundle shall be precisely as given in the standard under section 3704 and the name shall be imprinted in black letters one inch high, and also, below the grade designation shall be imprinted the letters, "MCST," in black, for Maine Commercial Standard in letters of a height equal to those used for the grade name. Following the designation "MCST" they shall imprint their registered mill number assigned to them by the State Forestry Department in numerals of equal height to the letters, "MCST". The numerals shall be separated from the letters, "MCST," by a hyphen.

Northern white-cedar shingles manufactured or purchased by a registered mill may be graded and the bundles imprinted with the proper grade designations, Maine Commercial Standard (MCST), and the registered mill number of the grading mill. The mill whose number is designated on the bundle shall be responsible for the accuracy of the grade designated on the bundle.

#### § 3711. Registration

The privilege to use the MCST grades shall depend on proper mill registration with the State Forestry Department and the assignment by the Forest Commissioner of a MCST mill number to the shingle producer. The initial mill registration fee shall be \$25 for each Maine shingle mill desiring to identify their shingles as being of the Maine Commercial Standard with the right given to imprint the letters, "MCST" on their bundles of northern white-cedar shingles, as well as their registered mill number. Subsequent annual registration fees shall be \$10 for each calendar year payable to the State Forestry Department before January of that year. Registration fees shall be credited to the General Fund.

Those mills who wish to follow the grade names as given above in section 3704 may do so, but those who are unwilling to agree to the specifications of each grade as to measurements, tolerances, defects and definitions including dimensions of shingles and bundles shall not imprint either the letters, "MCST" or a registered mill number on the bundle, band, tie or on any label affixed to the bundle or shingle. Nor will such unwilling mill state, imply or infer that the shingles they are selling are Maine Commercial Standard (MCST) shingles in correspondence, publicity or solicitations.

#### § 3712. Grading and reinspection

1. Inspection. The State Forestry Department may authorize the use of the standard and shall periodically verify the proper use of this standard by shingle manufacturers registered under this chapter.

2. Reinspection. Grade complaints, not reconciled by the parties concerned, shall be handled by the State Forestry Department and a reinspection shall be made when requested. Grade complaints shall be recognized by the State for the purpose of reinspection when made by a producer, wholesaler, retailer or consumer, within 10 days of his receipt of MCST shingles. The expense of reinspection by the State Forestry Department when such request is initiated by either the buyer or seller shall be divided between the buyer and seller, or paid by either, according to their agreement.

#### § 3713. Penalties and appeal

Penalties for misgrading or unauthorized use of MCST grades shall be as follows:

1. Replacement. The mill whose registered mill number appears on the bundle shall replace with bundles of the proper grade all bundles of shingles proven by reinspection to have been misgraded under this chapter.

2. Penalties for improper labeling or registration. Any person who violates section 3710 or 3711 shall be punished by a fine of not less than \$25, nor more than \$100 for the first offense, and by a fine of \$200 for each subsequent offense. Fines after deduction of court costs shall be credited to the General Fund.

3. Revocation. The Forest Commissioner, after due notice and hearing, may revoke the registration granted to any registered mill for violation of sections 3710 and 3711 for a period not to exceed 2 years, after which time said mill may make application for reinstatement as a registered mill.

4. Appeal. Any person, firm or corporation aggrieved by a decision of the Forest Commissioner revoking a registration may, within 30 days after notice thereof from the Forest Commissioner, appeal therefrom to the Superior Court in any county where the appellant has a regular place of business, or if the appellant has no such place of business within the State, to the Superior Court in Kennebec County. The appellant shall, when such appeal is taken, file an affidavit stating his reasons for appeal and serve a copy thereof on the Forest Commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the Superior Court to hear and determine such appeal and to enter such order and decrees as the nature of the case may require. The decision of said court upon all questions of fact shall be final. Decisions shall be certified to the Forest Commissioner.

§ 3714. Promotion

The State Forestry Department shall expend not over \$1,000 annually for the promotion of Maine Commercial Standard northern white-cedar shingles, and an accounting shall be made each year to all Maine shingle producers as to the disposition of this sum.'