

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1722

H. P. 1314

House of Representatives, May 12, 1971

Reported by Mr. Emery from Committee on Legal Affairs and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Revising the Laws Relating to Logs and Lumber.

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

Sec. 1. R. S., T. 30, § 365I, amended. Section 365I of Title 30 of the Revised Statutes is amended to read as follows:

§ 365I. Surveyors of lumber and other forest products

Every town, at its annual meeting, ~~shall~~ may elect one or more surveyors of the following, but not limited to, logs, millwood, pulpwood, posts, poles, piling as well as boards, plank, timber and joist, and one or more surveyors of, joists, shingles, clapboards, staves and hoops. ~~Every town containing a port of delivery whence staves and hoops are usually exported shall elect 2 or more viewers and cullers of staves and hoops. The municipal officers of a town may, if they deem it necessary, appoint not exceeding 7 surveyors of logs.~~ If such election is not made, the municipal officers, on request, shall appoint one or more surveyors of the above products as the need arises. In the unorganized townships of the State, the Consumer Protection Division of the Maine Department of Agriculture shall perform the duties of surveyors described in this chapter.

Sec. 2. R. S., T. 30, § 3658, repealed and replaced. Section 3658 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3658. Manufactured lumber—no sale until vendors' sales slip prepared

No person shall deliver for sale, or ship, or attempt to ship any boards, plank, manufactured timber, joists, shingles, clapboards, staves or hoops until

a vendors' sales slip has been prepared by the seller specifying the quality and quantity thereof.

Sec. 3. R. S., T. 30, § 3659, repealed and replaced. Section 3659 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3659. Lack of vendors' sales slip does not defeat action for price

In any action brought against the price of boards, plank, manufactured timber, joists, shingles, clapboards, staves or hoops, any failure to provide a vendors' sales slip as required by section 3658 shall not defeat recovery in such action, unless it appears that the purchaser requested such vendors' sales slip.

Sec. 4. R. S., T. 30, § 3661, amended. Section 3661 of Title 30 of the Revised Statutes is amended to read as follows:

§ 3661. Duty of surveyors of logs

Surveyors of the following, but not limited to logs, millwood, pulpwood, posts, poles and piling, upon request of a prospective purchaser, may inspect, survey and measure all ~~mill logs floated or~~ such products brought to market or offered for sale in their towns, and when requested, divide them into several classes, corresponding to the different quality of boards and other sawed lumber or other product which may be manufactured from them. They shall give certificates under their hands of the quantity and quality thereof to the person at whose request they are surveyed.

Sec. 5. R. S., T. 30, § 3665, amended. Section 3665 of Title 30 of the Revised Statutes is amended to read as follows:

§ 3665. Surveyor; neglect of duty; fraud

If any person, duly elected or appointed a surveyor, ~~measurer, viewer or cutter of any of said articles~~ products under this chapter and duly qualified, unnecessarily refuses or neglects to attend to the duties of his office when requested, he forfeits ~~\$3~~ \$25. If he connives at or willingly allows any breach of this chapter, or practices any other fraud or deceit in his official duties, he forfeits ~~\$30~~ \$100 to the use of the town.

STATEMENT OF FACT

Section 3651 — Strong minority of municipal officials feel there is a need to retain. Changes are for clarification and simplification.

Section 3658 — Purchaser protection. Amendments are for simplification. "Survey", under modern terminology, encompasses "measurer" and "viewer"; "Branded," not a necessity in most cases. Penalties increased to present day values. Federal Government has rules and regulations on exports which supersede and eliminate the need for state law.

Section 3659 — Purchaser protection. Also adds legal support to section 3658, which on its own (prior to passage of 3659) had met with differing Maine Court decisions.

Section 3661 — Clarification of the words “mill logs”. “Floated” not needed; believe “brought to market” includes “floated.”

Section 3665 — Simplification. “Surveyor” under modern terminology encompasses “measurer,” and “viewer.” “Culler” not needed. Penalties increased to present day values.