

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

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state to be added to and made a part of the appropriation for sea and shore fisheries. And the said commission shall report to the treasurer of state the amount of each fine, penalty and collection itemized, and the name of the party paying the same which shall be kept on record in the treasurer's office.

See § 55. 87 Me. 206; 89 Me. 42; *99 Me. 229; 101 Me. 352.

Notices on petition to legislature for special legislation relating to fish, c. 2, § 53.
 Use of dynamite or other explosives or any poisonous or stupefying substance, for purpose of destroying or taking fish forbidden, c. 38, § 28.
 Cultivation of fish for purposes of science by commissioners of inland fisheries and game, c. 38, § 9.
 Cultivation of useful fishes by riparian proprietors, c. 38, § 37.
 Trespass on islands in salt water for purpose of hunting thereon, c. 109, §§ 12-15.
 Sea food protective commission. P. L. 1919, c. 183.

CHAPTER 51.

Survey and Sale of Wood, Bark, Coal, Hoops, Staves, and Lumber.

- Sections 1- 5 Wood and Bark.
 Sections 6- 9 Charcoal.
 Sections 10-12 Coal and Coke.
 Sections 13-24 Boards, Plank, and Other Lumber.
 Sections 25-27 Logs.

Wood and Bark.

Sec. 1. Dimensions of a cord of wood; penalty. R. S. c. 46, § 1. 1919, c. 74, § 1. All cord-wood offered for sale shall be four feet long including half the scarf, and well and closely laid together. A cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; the measurer shall make due allowance for refuse or defective wood and bad stowage. Any person or persons exposing for sale as a cord of wood anything less shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense. Cities and towns by ordinance may assign location for teams to sell said cord-wood and bark.

See c. 5, § 136, ¶ v; 14 Me. 406; 82 Me. 318.

Sec. 2. Penalty for selling wood or bark before survey. R. S. c. 46, § 2. If any fire-wood or bark, brought into any town by land, is sold and delivered, unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity that the load contains, the name of the driver, and the town in which he resides, such wood or bark is forfeited, and may be libeled and disposed of according to law.

72 Me. 119; 82 Me. 574.

Sec. 3. Measure of cord-wood brought by water; penalty. R. S. c. 46, § 3. All cord-wood brought by water into any town for sale shall be corded on the wharf or land on which it is landed in ranges making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load.

Sec. 4. Ticket required, and penalty for not showing it. R. S. c. 46, § 4. Persons, carrying fire-wood from a wharf or landing for sale, shall be furnished by the owner or seller with a ticket stating the quantity, and the name of the driver; and if such fire-wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, when in the opinion of the measurer the ticket certifies a greater quantity of wood than the load contains, such wood shall be forfeited, and may be seized and libeled by said measurer according to law.

Sec. 5. Penalty for fraudulent stowage. R. S. c. 46, § 5. When any wood, bark, or charcoal, sold by the cord, foot, or load, is so stowed as to prevent the surveyors from examining the middle of the load, and it appears on delivery that it was stowed with the fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof forfeits ten dollars to the county.

Charcoal.

Sec. 6. Measure and sale of charcoal. R. S. c. 46, § 6. Charcoal brought into a town for sale may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

Sec. 7. Charcoal baskets to be sealed; dimensions; penalty for using smaller baskets. R. S. c. 46, § 7. All baskets for measuring charcoal brought into a town for sale shall be sealed by the sealer of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz: nineteen inches in breadth in every part, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale, the basket shall be well heaped. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits, for each offense, five dollars.

Sec. 8. Seizure of unlawful baskets. R. S. c. 46, § 8. The municipal officers of towns may appoint some suitable person to seize and secure all baskets used for measuring coal, not conforming to the provisions of section seven.

Sec. 9. Penalty for refusing to give certificate. R. S. c. 46, § 9. Any measurer of wood, bark, or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of a load, forfeits five dollars for each offense; and all the penalties hereinbefore provided may be recovered by action of debt or by complaint, half to the town where the offense is committed, and half to the prosecutor.

Coal and Coke.

Sec. 10. Coal and coke put up in bags or packages to have net weight marked on outside; penalty. R. S. c. 46, § 10. 1919, c. 74, § 2. 1921, c. 77. Anthracite, bituminous, and all mineral coal or coke shall be sold by weight and two thousand pounds shall constitute a ton. Coal or coke put up in bags or package form shall have marked on the bag in a plain and conspicuous manner the net weight. For each violation of this section there shall be a fine of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 11. Weighers of coal and coke; duties of weighers; penalty. R. S. c. 46, § 11. 1919, c. 74, § 3. 1921, c. 43. The municipal officers shall annually elect or appoint weighers of coal and coke. Weighers must give slips either

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in writing or printing to every purchaser of coal when not in bags or packages, showing the gross, tare, and net weight for each and every load so delivered. The slips so given must have stamped, printed, or written thereon the full name of the weigher. For each violation of this section there shall be a fine of not less than ten dollars nor more than twenty dollars.

See Const. of Me. Art. ix, § 1. *121 Me. 221.

Sec. 12. Coal sold by weight, certificate required. R. S. c. 46, § 12. Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and he shall deliver such certificate to the buyer, before commencing a suit against him for the price of such coal.

65 Me. 138, 139; 68 Me. 268; *121 Me. 221.

Boards, Plank, and Other Lumber.

Sec. 13. Towns to elect surveyors of lumber. R. S. c. 46, § 13. Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber, and joist; one or more surveyors of shingles, clapboards, staves, and hoops; and every town containing a port of delivery whence staves and hoops are usually exported shall also elect two or more viewers and cullers of staves and hoops; and the municipal officers of a town may, if they deem it necessary, appoint not exceeding seven surveyors of logs.

See Const. of Me. Art. ix, § 1; c. 5, §§ 12, 14.

Sec. 14. Lumber to be surveyed before delivery. R. S. c. 46, § 14. All boards, plank, timber, and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he has doubts of the dimensions, he shall measure the same, and mark the contents thereon, making reasonable allowance for rots, knots, and splits, drying and shrinking; pine boards three-fourths of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable; and no pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, and not less than seven-eighths of an inch thick, nor less than ten feet long, under penalty of forfeiture to the town whence shipped.

77 Me. 590; 82 Me. 318; 90 Me. 295.

Sec. 15. Dimensions and quality of shingles. R. S. c. 46, § 15. All shingles, packed for exportation beyond the state, shall be sixteen inches long, free from shakes and worm-holes, and at least three-eighths of an inch thick at the butt end when green, and if of pine, free from sap. They shall be four inches wide on an average, not less than three inches wide in any part, hold their width three-fourths of the way to the thin end, well shaved or sawed, and be denominated "number one;" but shingles intended for sale within the state, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of "number two," and "number three."

Sec. 16. Manner of sawing and packing shingles; forfeiture. R. S. c. 46, § 16. All shingles shall be split or sawed crosswise the grain; each bundle shall contain two hundred and fifty shingles, and if in square bundles, twenty-five courses, and be twenty-two inches and a half at the lay; and when packed to be surveyed as "number one," or for exportation, if in any bundle there are five shingles deficient in the proper dimensions, soundness, or number, to make two hundred and fifty merchantable shingles, or if any shingles are offered for sale, before they are surveyed and measured by a sworn surveyor of some town in the county where they were made, and the quality branded on the hoop or

band of the bundle, unless the parties otherwise agree, they are forfeited to the town where the offense is committed.

77 Me. 592.

Sec. 17. Dimensions and quality of clapboards. R. S. c. 46, § 17. All clapboards exposed for sale or packed for exportation shall be made of good sound timber, free from shakes and worm-holes, and if of pine, clear of sap; and they shall be at least five-eighths of an inch thick on the back or thickest part, five inches wide, and four feet six inches long, and straight and well shaved or sawed.

Sec. 18. Dimensions and quality of staves, and how enumerated. R. S. c. 46, § 18. Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions, viz.:

White oak butt staves, at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge, and every part thereof;

White oak pipe staves, at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three-quarters of an inch thick on the heart or thinnest edge;

White or red oak hogshead staves, at least forty-two inches long, and not less than half an inch thick on the least or thinnest edge;

White or red oak barrel staves for a market out of the United States, thirty-two inches long; if for use within the United States, thirty inches long; and in either case, half an inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves, at least, one with another, four inches in breadth, and no one less than three inches in breadth in the narrowest part; those of the breadth last mentioned shall be clear of sap; and two staves shall be sold as one cast; fifty casts, one hundred staves; and ten hundred staves, one thousand.

Sec. 19. Dimensions and quality of hogshead hoops; how packed, and forfeiture for deficiency. R. S. c. 46, § 19. All hogshead hoops exposed for sale or packed for exportation shall be from ten to thirteen feet in length, and of oak, ash, or walnut, and of good and sufficient substance, well shaved; if of oak or ash, at least one inch broad, and, if of walnut, three-quarters of an inch at the smaller end; the different lengths shall be made up in bundles by themselves; each bundle shall contain twenty-five hoops, four bundles shall make one hundred, and ten hundred hoops, one thousand; and every bundle, packed for sale or exportation, found to be deficient in number, or dimensions, is forfeited to the town where it is exhibited.

85 Me. 284.

Sec. 20. Manufactured lumber, not to be offered for sale until surveyed and branded; penalty; shipmaster also liable. R. S. c. 46, § 20. No person shall deliver on sale, or ship, or attempt to ship for exportation, any boards, plank, timber, joists, shingles, clapboards, staves, or hoops, before they have been surveyed, measured, viewed, or culled, as the case may be, and branded by the proper officer, and a certificate thereof given by him, specifying the number, quality, and quantity thereof, under a penalty of two dollars a thousand, by quantity or tale, as such article is usually sold, half to the town where the offense is committed, and half to the prosecutor; and in addition thereto, the master or owner of any vessel exporting any of the articles aforesaid beyond the limits of the United States contrary to law shall, for the first offense, forfeit two hundred dollars to the town whence said articles are exported; and if after conviction he commits a second offense in the same vessel, he forfeits the same sum, and the vessel is also forfeited to the town.

68 Me. 144; 77 Me. 591; 83 Me. 324; 85 Me. 284.

Sec. 21. Failure to survey lumber and give certificate not to defeat action for price. R. S. c. 46, § 21. In any action hereafter brought for the price of boards, plank, timber, joists, shingles, clapboards, staves, or hoops, unless sold by the cargo, any failure to survey, measure, view, or cull, and brand the same and to give certificate thereof as required by section twenty, shall not defeat recovery in such action, unless it appears that before delivery the purchaser requested such survey, measurement, view, or culling, and branding and certificate.

90 Me. 295.

Sec. 22. Master or owner to produce surveyor's certificate before clearance, with affidavit thereto. R. S. c. 46, § 22. The master or owner of any vessel having any of the lumber or other articles mentioned in section twenty on board, for exportation as aforesaid, shall, before the vessel is cleared at the custom-house, produce to the collector a certificate from the proper officer, that the same have been duly surveyed, measured, viewed, or culled, as the case may require; and such master or owner shall likewise make oath before the collector, or a justice of the peace, whose certificate shall be returned to the collector, that the articles so shipped for exportation are the same articles thus surveyed, measured, viewed, or culled, that he has no others on board of the like description, and that he will not take any others.

Sec. 23. Penalty, if surveyor or culler neglects duties or practices fraud in his office. R. S. c. 46, § 23. If any person, duly elected a surveyor, measurer, viewer, or culler of any of said articles under this chapter, and duly qualified, unnecessarily refuses or neglects to attend to the duties of his office when requested, he forfeits three dollars; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or deceit in his official duties, he forfeits thirty dollars to the use aforesaid.

Sec. 24. Recovery of penalties; jurisdiction of courts. R. S. c. 46, § 24. 1919, c. 74, § 4. All pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed by the treasurer or any inhabitant of the town interested. Where the violation of any of the provisions of this chapter is made an offense punishable by a fine, municipal courts and trial justices shall have concurrent jurisdiction of such offenses with the superior court.

Logs.

Sec. 25. Duty of surveyors of logs. R. S. c. 46, § 25. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

8 Me. 32; *25 Me. 401; 53 Me. 491; 62 Me. 168; 92 Me. 196.

Sec. 26. Method of scaling logs. R. S. c. 46, § 26. Unless the parties otherwise agree, in the scaling or measurement of unmanufactured logs and timber the cubic foot shall be the unit of measure, to be determined by mathematical calculation or by such cubic rules as the parties may agree upon.

Sec. 27. Round timber to be scaled. R. S. c. 46, § 27. Any person measuring round timber, the quantity of which is estimated by the thousand, shall scale the same and mark upon each log surveyed by him the contents thereof, unless otherwise agreed by the parties contracting.