

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 225

LOGS AND LUMBER

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§ 3651. Surveyors of lumber

Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber and joist, and one or more surveyors of 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.

R.S.1954, c. 100, § 174.

§ 3652. Survey of lumber before delivery; pine boards

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 $\frac{3}{4}$ of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable. 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

$\frac{7}{8}$ of an inch thick nor less than 10 feet long, under penalty of forfeiture to the town whence shipped.

R.S.1954, c. 100, § 175.

§ 3653. Dimensions and quality of shingles

All shingles, packed for exportation beyond the State, shall be 16 inches long, free from shakes and wormholes and at least $\frac{3}{8}$ of an inch thick at the butt end when green, and if of pine, free from sap. They shall be 4 inches wide on an average, not less than 3 inches wide in any part, hold their width $\frac{3}{4}$ 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".

R.S.1954, c. 100, § 176.

§ 3654. Manner of sawing and packing shingles; forfeiture

All shingles shall be split or sawed crosswise the grain. Each bundle shall contain 250 shingles and, if in square bundles, 25 courses, and be $22\frac{1}{2}$ inches at the lay. When packed to be surveyed as "number one" or for exportation, if in any bundle there are 5 shingles deficient in the proper dimensions, soundness or number to make 250 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.

R.S.1954, c. 100, § 177.

§ 3655. Clapboards

All clapboards exposed for sale or packed for exportation shall be made of good sound timber, free from shakes and wormholes, and if of pine, clear of sap. They shall be at least $\frac{5}{8}$ of an inch thick on the back or thickest part, 5 inches wide and $4\frac{1}{2}$ feet long, and straight and well shaved or sawed.

R.S.1954, c. 100, § 178.

§ 3656. Staves

Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions:

White oak butt staves, at least 5 feet in length, 5 inches wide and $1\frac{1}{4}$ inches thick on the heart or thinnest edge and every part thereof;

White oak pipe staves, at least 4 feet and 8 inches in length, 4 inches broad in the narrowest part and not less than $\frac{3}{4}$ of an inch thick on the heart or thinnest edge;

White or red oak hogshead staves, at least 42 inches long, and not less than $\frac{1}{2}$ an inch thick on the least or thinnest edge;

White or red oak barrel staves for a market out of the United States, 32 inches long; if for use within the United States, 30 inches long; and in either case, $\frac{1}{2}$ an inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves, at least, one with another, 4 inches in breadth, and no one less than 3 inches in breadth in the narrowest part; those of the breadth last mentioned shall be clear of sap; and 2 staves shall be sold as one cast, 50 casts, one hundred of staves; and 10 hundreds of staves, one thousand.

R.S.1954, c. 100, § 179.

§ 3657. Hogshead hoops

All hogshead hoops exposed for sale or packed for exportation shall be from 10 to 13 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, $\frac{3}{4}$ of an inch at the smaller end. The different lengths shall be made up in bundles by themselves. Each bundle shall contain 25 hoops, 4 bundles shall make one hundred and 10 hundreds of hoops, one thousand. Every bundle, packed for sale or exportation, found to be deficient in number or dimensions, is forfeited to the town where it is exhibited.

R.S.1954, c. 100, § 180.

§ 3658. Manufactured lumber; no sale until surveyed and branded

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, view-

ed 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 \$2 per 1,000, by quantity or tale, as such article is usually sold, $\frac{1}{2}$ to the town where the offense is committed and $\frac{1}{2}$ to the prosecutor. 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 \$200 to the town whence said articles are exported; and if after conviction he commits a 2nd offense in the same vessel, he forfeits the same sum and the vessel is forfeited to the town.

R.S.1954, c. 100, § 181.

§ 3659. Lack of survey and certificate does not defeat action for price

In any action 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 3658 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.

R.S.1954, c. 100, § 182.

§ 3660. Surveyor's certificate to be produced before clearance

The master or owner of any vessel having any of the lumber or other articles mentioned in section 3658 on board for exportation shall, before the vessel is cleared at the customhouse, 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. 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.

R.S.1954, c. 100, § 183.

§ 3661. Duty of surveyors of logs

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. They shall give certificates under their hands of the quantity and quality thereof to the person at whose request they are surveyed.

R.S.1954, c. 100, § 184.

§ 3662. Method of scaling logs

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.

R.S.1954, c. 100, § 185.

§ 3663. Scaling of round timber

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.

R.S.1954, c. 100, § 186.

§ 3664. Fees of surveyors of lumber

Surveyors of boards, plank, timber and joist shall receive, for viewing only, 6¢ a thousand feet; for measuring and marking the same, 6¢ more; and in that proportion for any part of a thousand, to be paid by the buyer.

Surveyors of shingles and clapboards shall receive, for surveying and telling, 6¢ a thousand to be paid by the buyer.

Viewers and cullers of staves and hoops shall receive, for barrel staves, 25¢ a thousand, and for hogshead and butt staves, 33¢ a thousand, whether refuse or merchantable; the merchantable to be paid for by the buyer, the refuse by the seller; and the culler of hoops shall be allowed 40¢ a thousand.

Surveyors shall receive at the rate of 4¢ a thousand feet board measure for viewing and inspecting mill logs, and 2¢ a thousand in addition for measuring and marking the quantity and quality of the logs, and making out and delivering certificates of the same, to be paid by the buyer.

R.S.1954, c. 100, § 189.

§ 3665. Surveyor or culler; neglect of duty; fraud

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 \$3. 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 to the use of the town.

R.S.1954, c. 100, § 187; 1959, c. 363, § 45.

§ 3666. Penalties; jurisdiction

All pecuniary penalties in this chapter may be recovered by civil action, indictment or complaint, and all other forfeitures by a libel filed by the treasurer or any inhabitant of the town interested.

R.S.1954, c. 100, § 188; 1959, c. 363, § 46; 1961, c. 317, § 314; 1963, c. 402, § 137.