

MAINE STATE LEGISLATURE

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October 27, 1965

Austin H. Wilkins, Commissioner

Forestry

Leon V. Walker, Jr., Assistant

Attorney General

**An Act Establishing a Commercial Standard for Maine
White-Cedar Shingles**

You have asked the following questions relating to the White-Cedar Shingle law (P.L. 1965, Ch. 271):

QUESTION 1:

Can shingles manufactured and packed in Canada be graded and labeled "MCST" if the producing Canadian mill is owned by a resident of Maine?

ANSWER:

No.

OPINION:

Section 3711 of the statute provides that the privilege to use the MCST grades shall depend on proper registration with the State Forestry Department and the assignment of a MCST mill number. This section uses the words "Maine shingle mill" in connection with the registration fee. It seems to be the clear intent of the law that only Maine mills may be registered. Further, Section 3712 provides for periodical inspection to verify the proper use of the standard. There would be no authority for a State official to make such inspections outside the State.

QUESTION 2:

Can shingles manufactured in Canada be regraded in Maine under "MCST" rules and stamped "MCST" by a registered Maine shingle manufacturer?

ANSWER:

Yes.

OPINION:

Section 3710 provides that Northern white-cedar shingles purchased by a registered mill may be graded and the bundles imprinted with the proper grade designations, NCST, and the registered mill number of the grading mill. It further makes the grading mill responsible for the accuracy of the grade designated on the bundle. It contains no provision limiting the source of the purchased shingles. Such shingles would be subject to inspection to insure accurate grading, and the purposes of the law would be met.

QUESTION 3:

Can shingle bolts logged in Maine and shipped to Canada for sawing into shingles be graded and labeled "NCST" by (a) a Canadian resident; (b) a Maine resident with mill in Canada?

ANSWER:

- (a) No.
- (b) No.

OPINION:

See opinion on question 1.

QUESTION 4:

Can a shingle wholesaler who resides in Maine, but who does not have a Maine shingle manufacturing plant, purchase Canadian-sawn shingles and regrade to "NCST" rules and regrade to "NCST" rules and label them "NCST"?

ANSWER:

No.

OPINION:

There is no provision in the law for registration of wholesalers, but provides only for registration of shingle producers.

LWV:HE

Leon V. Walker, Jr.
Assistant Attorney General