

# MAINE STATE LEGISLATURE

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Weight Measurement Standards

# STATE OF MAINE

Inter-Departmental Memorandum Date June 1, 1978

To Gaylon M. Kennedy

Dept. Agriculture

From Sarah Redfield, Assistant

Dept. Attorney General

Subject \_\_\_\_\_

This is in response to your request for an opinion as to whether or not full payment may be made based on butt scale measurements before standards and procedures are implemented by the Department of Agriculture concerning such measurements pursuant to Title 10 M.R.S.A. § 2362.2. Full payment may be made based on butt scale measurements prior to the adoption of such regulations. Title 10 M.R.S.A. § 2362.2 provides, in pertinent part, as follows:

"Butt scale may be used as a measurement in transactions involving the sale of wood by weight scale only to determine partial payment until the wood sold can be scaled pursuant to subsection 1. Butt scale may also be used for final payment for cutting provided that the standard procedures as developed by the State Sealer of Weights and Measures are used, and the volume table to which the measurements are applied reasonably represents the volume of trees being cut on the operation." (emphasis supplied)

This provision of Title 10 M.R.S.A. § 2362 is effective as follows:

"The provisions of section 2362 shall become effective after 60 days from the promulgation of the standard as required in section 2363 by the State Sealer of Weights and Measures and the filing thereof with the Secretary of State. The State Sealer of Weights and Measures shall promulgate those standards within 120 days after being signed by the Governor." P.L. 1977, c. 537, § 7.

While 120 days has passed since the enactment of Chapter 537, it is my understanding that no standards as contemplated by Title 10 M.R.S.A. § 2362 and § 2363 have been promulgated by the State Sealer of Weights and Measures. Where no such standards have been promulgated, the effective date provision cannot yet be operative. The provisions of Title 10 M.R.S.A. § 2362.2 as to butt scale will only be effective 60 days after the promulgation of these standards and the filing thereof with the Secretary of State.

Sarah Redfield  
SARAH REDFIELD  
Assistant Attorney General

SR:mfe  
cc: Joseph Williams  
Clayton Davis