

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 360

H. P. 271

House of Representatives, January 26, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hancock of Casco.

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 R. S., T. 30, § 3651, repealed and replaced. Section 3651 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3651. Surveyors of lumber and other forest products

Every town at its annual meeting 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, joists, shingles, clapboards, staves and hoops. If such election is not made, the municipal officers, on request, shall appoint one or more surveyors of the products mentioned in this section 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 R. S., T. 30, § 3658, repealed and replaced. Section 3658 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof: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 surveyed

No person shall deliver for sale, or ship or attempt to ship any boards, plank, timber, joists, shingles, clapboards, staves or hoops before they have been surveyed and a certificate thereof be given by the seller specifying the number, quality and quantity thereof, under a penalty of \$20 per thousand by quantity, or as such article is usually sold, $\frac{1}{2}$ to the town where the offense is committed and $\frac{1}{2}$ to the prosecutor.

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 R. S., T. 30, § 3659, repealed and replaced. Section 3659 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof: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 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, any failure to survey 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 and certificate.

Sec. 4. R. S., T. 30, § 3661, repealed and replaced. Section 3661 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3661. Duty of surveyors of logs

Surveyors of the following, but not limited to, logs, millwood, pulpwood, posts, poles and piling may inspect, survey and measure all 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, repealed and replaced. Section 3665 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3665. Surveyor

If any person, duly elected or appointed a surveyor of any products under this chapter and duly qualified, unnecessarily refuses or neglects to attend to the duties of his office when requested, he forfeits \$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 \$100 to the use of the town.

Sec. 6. R. S., T. 30, §§ 3652, 3655, 3656, 3657, 3660 and 3664, repealed. Sections 3652, 3655, 3656, 3657, 3660 and 3664 of Title 30 of the Revised Statutes are repealed.

STATEMENT OF FACT

The Legislature by chapter 10 of the Resolves of 1969 authorized the Forest Commissioner to study the laws relating to logs and lumber and the subject matter of each of the sections contained in Title 30, chapter 225 were studied. Following a careful review of the comments of individuals and organizations concerning specific sections, as well as several intra-departmental conferences on the contents of the sections, this bill has been prepared.