

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-624)
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to H.P. 1337, L.D. 1650, Bill,
"AN ACT Concerning Standards for the Measurement of Wood and
Providing for a Standard Contract for Use Between Paper Companies
and Wood Suppliers."

Amend the Bill by striking out all of the title and inserting
in its place the following:

'AN ACT Concerning Standards for the Measurement of Wood.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'Sec. 1. 10 MRSA §2361, as enacted by PL 1975, c. 598, §1,
is repealed and the following enacted in its place:

§2361. Definitions

1. Green wood. "Green wood" shall mean trees or parts of
trees that have been freshly felled or that still contain most of
the moisture present at the time of felling, that is still
above the fiber saturation point.

2. Wood. "Wood" as used in this subchapter shall mean
the severed but unprocessed fibrous derivative of trees.

Sec. 2. 10 MRSA §2362, as enacted by PL 1975, c. 598, §1,
is repealed and the following enacted in its place:

§2362. Measurement of wood

1. Weight scale. In all transactions in which the sale
of wood is based upon the weight of the wood, the weight shall not
be converted to volume.

2. Butt scale. 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/are used, and the volume table to which the measurements are applied reasonably represents the volume of trees being cut on the operation. In cases of dispute the state sealer shall check scale the disputed wood in such manner as he determines fair to all parties as provided for in the appeal procedure of this section.

3. International 1/4 inch log rule. The international 1/4 inch log rule shall be the standard state rule for the measurement of logs. Nothing in this section shall prevent the use of any other log rule which is mutually agreeable to all parties concerned.

4. Other volume scale. Volume scales may be used for measurement of wood as are agreeable to all parties involved. These methods include, but are not limited to log rule, standard cord or face cord.

Sec. 3. 10 MRSA §2363, ^{sub-§§1 and 2,} as enacted by PL 1975, c. 598, §1, is repealed and the following enacted in its place:

1. Established by State Sealer of Weights and Measures. The State Sealer of Weights and Measures shall after a public hearing preceded by at least 2 weeks notice in the state paper, establish standard procedures and promulgate regulations for the purchase of all weight scaled wood on a green weight basis only. Nothing in this section shall prevent the use of adjustments in

weight which are mutually agreeable to all parties involved for wood that is not green. He shall also establish a standard procedure for arbitration should the parties involved be unable to agree.

Standards for the contractual purchase of wood.

2./ The state sealer shall, after a public hearing preceded by at least 2 weeks notice in the state paper, promulgate and adopt rules and regulations concerning standard procedures for the volumetric measurement of wood, including butt scale, log scale, cord scale and the administration and use of standards for the measurement of wood established under this subchapter as are necessary to ensure that those standards conform to contemporary knowledge and practice and to ensure that those standards may be efficiently and conveniently applied in transactions in Maine involving the sale of wood as defined in this subchapter.

Sec. 4. 10 MRSA §§2364/ and 2365, as enacted by PL 1975, c. 598, §1, are repealed.

Sec. 5. 10 MRSA §2366, as enacted by PL 1975, c. 598, §1, is repealed and the following enacted in its place:

§2366. Appeal procedure

1. Appeal to State Sealer of Weights and Measures. Any person aggrieved by the application or misapplication of standards and procedures promulgated under sections 2354 and 2355 must initiate appeal to the State Sealer of Weights and Measures within 7 calendar days of the alleged grievance.

2. Appeal to Superior Court. Any person aggrieved by any final decision of the State Sealer of Weights and Measures upon any matter arising out of the operation of this subchapter, may, within 30 days after notice of such decision, appeal therefrom to the Superior Court of the county in which they reside by filing a notice of appeal stating the points of the appeal with the Clerk of Courts and the ^{state} Sealer of Weights and Measures.

Sec. 6. Declaration of purpose. The Legislature finds that the manufacture of various pulpwood products is one of Maine's most important industries and is responsible not only for the livelihood of thousands of factory workers and their families, but also for the livelihood of thousands of wood suppliers and woods workers. The Legislature further finds that there have lately arisen numerous instances where suppliers of pulpwood disagree with companies on the correct measurement of wood sold to those companies. The Legislature further finds that it is important to Maine's workers, businesses and economy that these disagreements be resolved before they result in a disruption of the state's economy and declares that it is the intention of this Act to resolve these disagreements by providing for clear standards for the measurement of wood.

Sec. 7. Effective date. The provisions of section 2362 shall become effective after 60 days from the promulgation of the standards 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.'

Statement of Fact

The intent of this amendment is to make the provisions of the bill regarding sale of wood by weight apply to all transactions where wood is sold by weight, and not limit such provisions to only the paper companies. In addition, this amendment removes the provision requiring the State Sealer of Weights and Measures to develop standard contractual forms for the sale of wood to paper companies.

This amendment also provides a definition for "green wood," establishes the international 1/4 inch log rule as the standard state rule, specifies that other volume scales may be used if agreeable to all parties concerned and provides for use of the butt scale for partial payment and for final payment for cutting under certain circumstances.

In addition, this amendment gives the state sealer the responsibility to establish and supervise procedures by which butt scales will be developed, but repeals the statute requiring the state sealer to develop a standard butt scale.

Reported by the Majority of the Committee on Agriculture.

Reproduced and distributed under the direction of the Clerk of the House.

5/14/77

(Filing No. H-624)