

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1650

H. P. 1337

House of Representatives, April 13, 1977

On Motion of Mr. Mahany of Easton, referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake.

Cosponsor: Mr. Hall of Sangerville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Standards for the Measurement of Wood and Providing for a Standard Contract for Use Between Paper Companies and Wood Suppliers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 10 MRSA § 2361, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

§ 2361. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Paper company. "Paper company" shall mean any individual, corporation, partnership or other legal entity while it is engaged in the purchase of wood for the manufacture of paper.

2. Wood. "Wood" shall mean severed, but unprocessed fibrous derivatives of trees which are used for the manufacture of paper and paper products. The term "wood" shall not include severed, but unprocessed fibrous derivatives of trees when used for the manufacture of lumber, plywood or other products which are not paper products, nor when used for fuel.

Sec. 2. 10 MRSA § 2362, sub-§ 1, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

1. **Weight scale.** In all transactions involving the sale of wood in which payment is based upon weight, the weight shall not be converted to volume and payment shall be made according to weight only.

Sec. 3. 10 MRSA § 2363, sub-§§ 1 and 2, as enacted by PL 1975, c. 598, § 1, are repealed and the following enacted in their place: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 standards and promulgate regulations to provide for the purchase of all weight scaled wood on green weight basis only.

2. **Standards for the contractual purchase of wood.** The State Sealer of Weights and Measures shall, after a public hearing preceded by at least 2 weeks' notice in the state paper, adopt and promulgate a standard contractual form for the purchase of wood which shall be used and considered a legally binding contract in all transactions between paper companies and wood suppliers. Small suppliers, who supply less than 50 cords per month and sell wood directly to those companies on an occasional basis, shall be exempt from the provisions of this section.

Sec. 4. 10 MRSA § 2365, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

§ 2365. **Standards for measurement**

The State Sealer of Weights and Measures shall, after a public hearing preceded by at least 2 weeks' notice in the state paper, adopt and promulgate rules and regulations concerning the standards for measurement of wood, including log scale, 4-foot wood scale, 8-foot wood 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 concerning the measurement of wood to be sold 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. 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 Sealer of Weights and Measures.

Sec. 6. Declaration of purpose. The Legislature finds that the manufacture of paper and paper 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 to be used for the manufacture of paper and paper products disagree with paper 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 and by providing for a standard contract for use between paper companies and pulpwood suppliers.

Sec. 7. Effective date. The provisions of section 2362 shall become effective after 60 days from the promulgation of the standards as required in sections 2363, 2364 and 2365 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 purpose of this bill is set forth in section 6 of the bill, declaration of purpose.