

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1388

7 S.P. 457

In Senate, March 30, 1983

8 Referred to the Committee on Agriculture. Sent down for concurrence
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Erwin of Oxford.

Cosponsors: Senator Pray of Penobscot, Representative Moholland of
11 Princeton and Representative Kelleher of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Wood Measurement
18 Law.
19

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

22 Sec. 1. 10 MRSA §2361, as repealed and replaced
23 by PL 1977, c. 537, §1, is repealed.

24 Sec. 2. 10 MRSA §2361-A is enacted to read:

25 §2361-A. Definitions

26 As used in this chapter, unless the context
27 otherwise indicates, the following terms have the
28 following meanings.

29 1. Butt measure. "Butt measure" is the linear
30 measure of wood based solely on measurement of the
31 butt end of individual trees, without conversion to
32 volume by any means.

1 2. Butt scale. "Butt scale" is the volume mea-
2 sure of wood based solely on measurement of the butt
3 end of individual trees and converted to volume by
4 means of a formula.

5 3. Green wood. "Green wood" means trees or parts
6 of trees that have been freshly felled.

7 4. Oven-dried wood. "Oven-dried wood" means wood
8 that has been dried in an oven at 103° + 2° Centi-
9 grade (217.4° + 3.6° Fahrenheit) until a constant
10 weight is obtained.

11 5. Wood. "Wood" means the severed but unproc-
12 essed fibrous derivative of trees without regard for
13 quality or grade and also means the chipped fibrous
14 derivative of trees.

15 Sec. 3. 10 MRSA §2362, as repealed and replaced
16 by PL 1977, c. 537, §2, is repealed.

17 Sec. 4. 10 MRSA §2362-A is enacted to read:

18 §2362-A. Measurement of wood

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

22 2. Butt measure and alternatives. Butt measure
23 shall be the standard state method for the measure-
24 ment of tree-length wood. Nothing in this section may
25 prevent the use of any other method for the measure-
26 ment of tree-length wood which is mutually agreeable
27 to the parties concerned. Alternative methods
28 include, but are not limited to, butt scale to the
29 extent permitted by subsection 3, standard cord and
30 face cord.

31 3. Butt scale. Butt scale may be used as a mea-
32 surement in transactions involving the sale of wood
33 by weight scale only to determine partial payment
34 until the wood sold can be scaled pursuant to subsec-
35 tion 2. Butt scale may also be used for final payment
36 for cutting, provided that the standard procedures as
37 developed by the State Sealer of Weights and Measures
38 are used and the volume table to which the measure-

1 ments are applied reasonably represents the volume of
2 trees being cut on the operation. In cases of dis-
3 pute, the state sealer shall check scale the disputed
4 wood in such manner as he determines fair to all par-
5 ties as provided for in the appeal procedure of this
6 section.

7 4. International 1/4 inch log rule. The interna-
8 tional 1/4 inch log rule shall be the standard state
9 rule for the measurement of logs. Nothing in this
10 section may prevent the use of any other log rule
11 which is mutually agreeable to all parties concerned.

12 Sec. 5. 10 MRSA §2363, sub-§1, as amended by PL
13 1977, c. 694, §174, is further amended to read:

14 1. Established by State Sealer of Weights and
15 Measures. The State Sealer of Weights and Measures
16 shall may, in a manner consistent with the Maine
17 Administrative Procedure Act, Title 5, chapter 375,
18 establish standard procedures and promulgate regula-
19 tions for the purchase of all weight scaled wood on a
20 green weight or oven-dried weight basis only. Nothing
21 in this section shall prevent the use of adjustments
22 in weight which are mutually agreeable to all parties
23 involved for wood that is not green or oven-dried. He
24 shall also establish a standard procedure for arbi-
25 tration should the parties involved be unable to
26 agree.

27 Sec. 6. 10 MRSA §2363, sub-§2, as repealed and
28 replaced by PL 1977, c. 537, §3, is amended to read:

29 2. Standards for the contractual purchase of
30 wood. The state sealer shall, after a public hearing
31 preceded by at least 2 weeks notice in the state
32 paper in a manner consistent with the Maine Adminis-
33 trative Procedure Act, Title 5, chapter 375, promul-
34 gate and adopt rules and regulations concerning stan-
35 dard procedures for the volumetric and linear mea-
36 surement of wood, including butt scale, butt measure,
37 log scale, cord scale and the administration and use
38 of standards for the measurement of wood established
39 under this subchapter as are necessary to ensure that
40 those standards conform to contemporary knowledge and
41 practice and to ensure that those standards may be

1 1. Establishes butt measure as the standard
2 state method for the measurement of tree-length wood;

3 2. Permits sales of wood based on weight to be
4 calculated according to oven-dried weight or to green
5 weight. The green weight basis is the only standard
6 recognized in existing law;

7 3. Decriminalizes violations of the wood mea-
8 surement law and its implementing regulations; and

9 4. Repeals miscellaneous wood measurement legis-
10 lation that has been superseded by, or incorporated
11 into, the wood measurement law codified in the
12 Revised Statutes, Title 10 or the department's rule-
13 making authority under that law.

14 This bill requires no additional funding.

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