

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 889, L.D. 2404,
Bill, "AN ACT to Amend the Wood Measurement Law."

Amend the bill by striking out all of sections 2
to 7 and inserting in their place the following:

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

§2361-A. Definitions

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

1. Butt measure. "Butt measure" means the lineal
measure of the butt end of tree length wood.

2. Butt scale. "Butt scale" means the lineal
measurement of the butt end of the tree which is then
converted by use of a table to determine the
volumetric wood content of the tree.

Sec. 3. 10 MRSA §2362, as repealed and replaced
by PL 1977, c. 537, §1, is repealed and the following
enacted in its place:

§2362. Measurement of wood

1. Weight scale. In all transactions involving
the sale of wood, weight measurement may be used,
provided that:

A. All weight measurement shall be expressed on
a green wood or green weight basis, except as
agreed to or as set forth in paragraph B;

B. Sales of wood chips may be based on

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1 oven-dried weight; and

2 C. Notwithstanding these provisions, such ad-
3 justments as are agreed upon may be made for wood
4 chips or wood that is neither oven-dry nor green.

5 2. Butt measure; butt scale. Butt measure shall
6 be the standard state method for the measurement of
7 tree length wood.

8 A. Butt scale may be used only as follows.

9 (1) In the payment to employees for ser-
10 vices in harvesting wood, the use of butt
11 scale measurement is prohibited as of April
12 1, 1987. Until that date, the use of butt
13 scale measurement is permitted for tree
14 length wood under the following conditions.

15 (a) Prior to its usage, the party
16 using the volume table shall sign and
17 date the volume table which shall des-
18 ignate the applicable harvesting area
19 or areas.

20 (b) The employees or their authorized
21 representatives shall receive upon re-
22 quest a copy of the signed volume ta-
23 ble.

24 (c) The volume table to which the mea-
25 surements are applied shall reasonably
26 represent the volume of trees being cut
27 on the operation.

28 (2) In all transactions except the payment
29 to employees for services in harvesting
30 wood, butt scale measurement shall continue
31 to be permitted for tree length wood, but
32 only under the following conditions.

33 (a) The applicable volume table shall

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1 be available upon request.

2 (b) The volume table to which the mea-
3 surements are applied shall reasonably
4 represent the volume of trees being cut
5 on the operation.

6 (3) In any case where butt scale is permit-
7 ted, upon request from the state sealer, the
8 party using the volume table shall provide
9 the state sealer with a copy of the volume
10 table for the designated harvesting area.

11 B. Any other method of measurement for tree
12 length wood may be used except as provided in
13 this section.

14 3. Log scale measurements. Log scale measure-
15 ments shall be made as follows.

16 A. The international 1/4 inch log rule shall be
17 the standard state rule for the measurement of
18 logs.

19 B. Nothing in this section may prevent the use
20 of any other method or rule to measure logs which
21 is agreed upon.

22 4. Other scales. Any other method may be used
23 for measurement of wood provided it is agreed upon.
24 These methods include, but are not limited to, log
25 rule, standard cord or face cord.

26 Sec. 4. 10 MRSA §2364-A is enacted to read:

27 §2364-A. Measurement tally sheets

28 When payment is made to employees for services in
29 harvesting wood, the person providing the service
30 shall, upon request, receive a copy of the tally
31 sheet setting forth the total measure of the wood,
32 identifying the person or persons providing the ser-

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1 vice, the location from which the wood was hauled and
2 the date the measurements were made.'

3 Further amend the bill in section 8 in that part
4 designated "§2365-A" in the 5th line (page 7, line 14
5 in L.D.) and in the 3rd line from the end (page 7,
6 line 22 in L.D.) by striking out the underlined fig-
7 ure "30" and inserting in its place the underlined
8 figure "15'

9 Further amend the bill by striking out all of
10 section 9.

11 Further amend the bill in section 10 in that part
12 designated "§2366-A." by striking out all of the
13 first paragraph and inserting in its place the fol-
14 lowing:

15 'The state sealer shall promulgate and adopt
16 rules relating to the following, except subsections 6
17 and 7, in a manner consistent with the Maine Adminis-
18 trative Procedure Act, Title 5, chapter 375, and in a
19 manner such that they conform to contemporary knowl-
20 edge and practice and that they may be efficiently
21 and conveniently applied in transactions involving
22 the measurement of wood.'

23 Further amend the bill by renumbering the sec-
24 tions to read consecutively.

25 STATEMENT OF FACT

26 This amendment is the same as the majority report
27 bill in the following respects.

28 1. It prohibits the use of butt scale as a mea-
29 surement of tree length wood in calculating the pay-
30 ment to employees for services in harvesting wood.

31 2. It establishes butt measure as the standard
32 state measure for the measurement of tree length

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1 wood.

2 3. It establishes the international 1/4 inch log
3 rule as the state's standard for the measurement of
4 log length stems.

5 4. It provides for the investigation of dis-
6 putes.

7 5. It decriminalizes violations of the wood mea-
8 surement law and provides for a civil fine and dam-
9 ages for violations of the law.

10 6. It repeals miscellaneous wood measurement
11 legislation that has been superseded by or incorpo-
12 rated into the wood measurement law codified in the
13 Revised Statutes, Title 10, or the department's rule-
14 making authority under that law.

15 This amendment differs from the majority report
16 in the following respects.

17 1. It leaves intact the present method of paying
18 employees for services in harvesting and hauling wood
19 on the basis of net scale.

20 2. It does not provide for the licensing of
21 state scalers.

22 3. It establishes the transition from the use of
23 butt scale to butt measure on April 1, 1987, instead
24 of April 1, 1986.

25 4. It allows a 15-day period in which to bring a
26 complaint instead of a 30-day period.

