

MAINE STATE LEGISLATURE

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L.D. 2404

(Filing No. H-677)

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

HOUSE AMENDMENT " β " 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 1
to 12 and inserting in their place the following:

'Sec. 1. 10 MRSA §2361, as repealed and replaced
by PL 1977, c. 537, §1, is repealed and the following
enacted in its place:

§2361. 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,
without subsequent conversion to volume by any means.
This measurement may be represented in either the
number of stems in each butt diameter class by a species
or species grouping, or alternatively in the
cumulative sum of the butt diameters by species, expressed
in inches, without regard to the butt diameter class.

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

3. Green wood. "Green wood" means 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.

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1 4. Wood. "Wood" means the severed but unpro-
2 cessed fibrous derivative of trees.

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

4 §2361-A. Fuel wood

5 Nothing in this subchapter supersedes or in any
6 way modifies the measurement standards relating to
7 fuel wood provided for in section 2302, subsection 1.

8 Sec. 3. 10 MRSA §2362, as repealed and replaced
9 by PL 1977, c. 537, §1, is repealed and the following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

11 §2362. Measurement of wood

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

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

18 B. Sales of wood chips may be based on
19 oven-dried weight; and

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

23 2. Butt measure; butt scale. Butt measure shall
24 be the standard state method for the measurement of
25 tree length wood.

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

27 (1) In the payment to employees for ser-
28 vices in harvesting wood, the use of butt
29 scale measurement is prohibited as of April
30 1, 1987. Until that date, the use of butt

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1 scale measurement is permitted for tree
2 length wood under the following conditions.

3 (a) Prior to its usage, the person re-
4 quiring the services shall provide a
5 signed copy of the volume table to the
6 persons providing the service. The ap-
7 plicable harvesting area shall be des-
8 ignated on the volume table.

9 (b) The volume table to which the mea-
10 surements are applied shall reasonably
11 represent the volume of trees being cut
12 on the operation.

13 (2) In all transactions except the payment
14 to employees for services in harvesting
15 wood, butt scale measurement shall continue
16 to be permitted for tree length wood, but
17 only under the following conditions.

18 (a) The applicable volume table shall
19 be available upon request.

20 (b) The volume table to which the mea-
21 surements are applied shall reasonably
22 represent the volume of trees being cut
23 on the operation.

24 (3) In any case where butt scale is permit-
25 ted, upon request from the state sealer, the
26 party using the volume table shall provide
27 the state sealer with a copy of the volume
28 table for the designated harvesting area.

29 B. Any other method of measurement for tree
30 length wood may be used except as provided in
31 this section.

32 3. Log scale measurements. Log scale measure-
33 ments shall be made as follows.

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1 A. The international 1/4 inch log rule shall be
2 the standard state rule for the measurement of
3 logs.

4 B. Nothing in this section may prevent the use
5 of any other method or rule to measure logs which
6 is agreed upon.

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

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

12 §2362-A. Measurement tally sheets

13 When payment is made to employees for services in
14 harvesting wood, the person providing the service
15 shall, upon request, receive a copy of the tally
16 sheet setting forth the total measure of the wood,
17 identifying the person or persons providing the ser-
18 vice, the location from which the wood was hauled and
19 the date the measurements were made.

20 Sec. 5. 10 MRSA §2363, sub-§3 is enacted to
21 read:

22 3. Other rules. The State Sealer may promulgate
23 rules as are necessary for the administration of this
24 subchapter. These rules shall be promulgated and
25 adopted in a manner consistent with the Maine Admin-
26 istrative Procedure Act, Title 5, chapter 375, and in
27 a manner such that they conform to contemporary
28 knowledge and practice and that they may be effi-
29 ciently and conveniently applied in transactions in-
30 volving the measurement of wood.

31 Sec. 6. 10 MRSA §2364-A is enacted to read:

32 §2364-A. Disputes

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1 2. It establishes butt measure as the standard
2 state measure for the measurement of tree length
3 wood.

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

7 4. It provides for the investigation of dis-
8 putes.

9 5. It provides for a civil fine for violations
10 of the law.

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

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

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

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

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

26 4. It provides that a measurement tally sheet
27 shall be provided to employees upon request, rather
28 than mandating that tally sheets always be provided.

