

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
3

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4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

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6 Legislative Document

No. 1068

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8 H.P. 721

House of Representatives, March 19, 1985

9 Speaker laid before the House and referred to the Committee on Energy  
10 and Natural Resources. Sent up for concurrence and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

12 Cosponsored by Representative Lander of Greenville and Representative  
Ridley of Shapleigh.

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13 STATE OF MAINE  
14

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15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

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18 AN ACT to Amend the Wood Measurement Law.  
19

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20 **Emergency preamble.** Whereas, Acts of the Legis-  
21 lature do not become effective until 90 days after  
22 adjournment unless enacted as emergencies; and

23 Whereas, rules have been promulgated pursuant to  
24 the wood measurement law; and

25 Whereas, amendments are urgently needed to this  
26 law before these rules go into effect on April 30th;  
27 and

28 Whereas, in the judgment of the Legislature,  
29 these facts create an emergency within the meaning of  
30 the Constitution of Maine and require the following  
31 legislation as immediately necessary for the preser-  
32 vation of the public peace, health and safety; now,  
33 therefore,

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

1           Sec. 1. 10 MRSA §2361-A, sub-§§2, 4, 5 and 6, as  
2 enacted by PL 1983, c. 804, §2, are repealed.

3           Sec. 2. 10 MRSA §2363-A, sub-§§2 and 3, as en-  
4 acted by PL 1983, c. 804, §6, are repealed and the  
5 following enacted in their place:

6           2. Weight scale. Where agreed upon by the par-  
7 ties, weight measurement may be used in all wood  
8 transactions, provided that weight measurement shall  
9 not be converted to volume.

10           3. Tree length wood. Butt measure shall be the  
11 standard state method for the measure of tree length  
12 wood. When agreed upon, the parties may use any oth-  
13 er method of measurement authorized by this subchap-  
14 ter.

15           Sec. 3. 10 MRSA §2364-A, as enacted by PL 1983,  
16 c. 804, §7, is repealed and the following enacted in  
17 its place:

18 2364-A. Accurate and verifiable measurements

19           1. Intent. It is the intent of this subchapter  
20 that any method of wood scaling measurement used in  
21 wood transactions shall provide an accurate and  
22 verifiable count of the volume, quantity, dimension  
23 or weight measured, according to standards estab-  
24 lished by the Director of the Maine Forest Service.

25           2. Measurements. In all wood transactions, no  
26 person who scales or measures wood and no person who  
27 makes payment to another may represent a weight, vol-  
28 ume, quantity or dimension of wood which is less than  
29 the weight, volume, quantity or dimension of wood to  
30 be measured, except as permitted by this subchapter.

31           3. Measurement tally sheet. When payment is  
32 made for services in harvesting or hauling wood, the  
33 person providing the service shall promptly receive a  
34 copy of the tally sheet setting forth the total mea-  
35 sure of the wood, identifying the person or persons  
36 providing the service, the location from which the  
37 wood was hauled and the date the measurements were  
38 made.

1           4. Specifications. Companies or individuals  
2 buying wood for processing shall give contractors or  
3 landowners written specifications for properly pre-  
4 pared wood.

5           Sec. 4. 10 MRSA §2365-A, as enacted by PL 1983,  
6 c. 804, §8, is repealed.

7           Sec. 5. 10 MRSA §2366-A, as amended by PL 1983,  
8 c. 862, §33, is further amended to read:

9           §2366-A. Disputed wood

10           In case a dispute arises as to whether wood was  
11 accurately scaled or measured, the person aggrieved  
12 may file a complaint with the ~~state sealer~~ Director  
13 of the Maine Forest Service. Any complaint shall be  
14 initiated within 15 days of discovery of the alleged  
15 grievance. The state sealer shall investigate the  
16 complaint. As part of the investigation, the ~~state~~  
17 ~~sealer or deputy state sealer~~ Director of the Maine  
18 Forest Service may subpoena such witnesses and docu-  
19 ments as may be necessary to determine the matter,  
20 and may cause the disputed wood to be impounded and  
21 check measured if it may be separately identified.  
22 In the event that an aggrieved party fails to file a  
23 complaint within 15 days from discovery of the al-  
24 leged grievance, the aggrieved party is barred from  
25 seeking a remedy under section 2368, subsection 2.

26           Sec. 6. 10 MRSA §2367, as enacted by PL 1983, c.  
27 804, §11, is repealed and the following enacted to  
28 read:

29           §2367. Rules

30           The Director of the Maine Forest Service shall,  
31 in a manner consistent with the Maine Administrative  
32 Procedure Act, Title 5, chapter 375, promulgate and  
33 adopt rules necessary to the administration of this  
34 subchapter.

35           Sec. 7. 10 MRSA §2369, as enacted by PL 1983, c.  
36 804, §2, is repealed.

37           **Emergency clause.** In view of the emergency cited  
38 in the preamble, this Act shall take effect when ap-

1 proved.

2 STATEMENT OF FACT

3 The purpose of this bill is to reform or repeal  
4 those sections of the present wood measurement law  
5 which are unworkable.

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