

MAINE STATE LEGISLATURE

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1 person who scales or measures wood and no person who
2 makes payment to another shall may represent a
3 weight, volume, quantity or dimension of wood which is
4 less than the weight, volume, quantity or dimension of
5 wood to be measured.

6 A. When payment is made for services harvesting
7 wood, all wood that is properly prepared shall be
8 measured in full, without regard to its future
9 merchantability or use according to procedures
10 set forth in section 2363-A and according to
11 standards established by the state sealer under
12 this section. Nothing in this subsection prevents
13 making reasonable deductions based on quantity
14 factors, such as for loose piling, short or
15 undersized wood or for wood that was not
16 designated to be harvested, hauled or chipped.
17 Nothing in this subchapter may prevent making
18 reasonable deductions based on quality or quantity
19 factors, such as merchantability, loose piling,
20 short or undersized wood or for wood that was not
21 designated to be harvested, hauled or chipped.
22 Nothing in this subchapter may be interpreted to
23 prohibit the use of the standard cord or butt
24 measure. Disputes shall be governed by section
25 2366-A.

26 B. The written cutting and hauling specifications
27 for properly prepared tree stems shall be provided
28 to the person providing the service and, shall
29 be signed by the person requiring the service and
30 shall specify the method of measurement and all
31 merchantability factors for which deductions may
32 be taken.

33 C. When payment is made for services in hauling
34 or trucking wood, all wood that was designated to
35 be hauled and which was hauled, shall be measured
36 in-full.

37 D. In the sale of wood, all wood that meets the
38 specifications of the parties shall be measured by
39 the terms of the sales contract according to the
40 measurement procedures set forth in section 2363-A
41 that are applicable to a sale of wood, as defined

1 in this subchapter.

2 E. When payment is made for services, payment
3 shall be expressed in the same system of measure
4 that was used in making the measurement. Nothing
5 in this subsection may be interpreted to prohibit
6 the use of the standard cord or butt measure.

7 3. Measurement tally sheet. When payment is made
8 for services, the person providing the service shall
9 promptly receive a copy of the tally sheet from the
10 person requiring the service setting forth the total
11 measure of wood, the measure of any deductions taken,
12 identifying the person or persons providing the
13 service, the location from which the wood was hauled
14 and the date the measurements were made. If, based
15 upon a complaint involving wood that is taken outside
16 the State, the state sealer, after investigation, has
17 reason to believe that there has been inaccurate
18 measurement of the wood, that the measurement of the
19 wood was inaccurately or incompletely represented on
20 the measurement tally sheet or that a measurement
21 tally sheet for the wood was not promptly provided to
22 the person providing the service, then, except in a
23 case of inadvertent error, the state sealer shall
24 require, for a period of not less than one year, that
25 the person requiring the service measure and provide
26 the person providing the service a completed
27 measurement tally sheet for wood that is taken outside
28 the State.

29 STATEMENT OF FACT

30 This bill is a result of public hearings held
31 during the summer of 1986 by the Wood Measurement
32 Study Subcommittee of the Joint Standing Committee on
33 Energy and Natural Resources. The public hearings
34 were held in Dover-Foxcroft, Ashland, South Paris and
35 Alfred.

36 The purpose of this bill is to allow deductions to
37 be taken from gross scale as long as the method of
38 deduction is consistent with the measurement method
39 employed and that both are approved by the state

1 sealer in the same manner as is currently employed for
2 measurement in sales situations. It is the intent of
3 the Legislature that accountability and standardized
4 procedures be employed in all wood measurements in
5 both sales and service situations.

6 The method of calculating deduction must be
7 specified in the cutting or hauling specifications
8 given to the service provider. The amount of
9 deduction must be included on the measurement tally
10 sheets along with the gross scale measurement.

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