

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 146

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to regulate the scale of logs on the Penobscot River.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The Governor of the State of Maine by the
2 advice and consent of his Council shall appoint some suitable
3 person to be Surveyor General of all logs hauled to and
4 driven in the Penobscot River and its tributaries, who shall
5 make his residence in Penobscot County and have an office
6 in the city of Bangor and hold his office for the term of
7 two years, unless sooner removed by the Governor. Said
8 Surveyor General shall give bond with sufficient surety to
9 the Treasurer of the State of Maine in the sum of five
10 hundred dollars for the faithful performance of his duties

11 and shall be sworn to the faithful and impartial performance
12 of the same. It shall be the duty of said Surveyor General
13 to appoint such scalers as he may deem necessary to scale
14 all logs required to be scaled on said Penobscot River and
15 its different tributaries. All scalers appointed by him shall
16 be sworn to the faithful and impartial discharge of their
17 duties and shall give such bond to said Surveyor General
18 as he may require and may be removed at any time by him.
19 The oath to the said scalers may be administered by any of
20 the different officers qualified to administer oaths or by the
21 Surveyor General and such oath will be recorded in the
22 office of the Surveyor General in a book kept by him for
23 that purpose.

Sect. 2. All logs on the Penobscot River and its tribu-
2 taries, shall be scaled by the Surveyor General or by a scaler
3 appointed by him. It shall be the duty of each scaler so
4 appointed to scale each and every log sold, offered for sale
5 or intended for sale when the same is hauled on the landings
6 of the different corporations, and the contents of each and
7 every log shall be plainly marked or stamped thereon.

The scale to be used and accepted as a standard is to be
9 what is ordinarily termed the Holland Scale as modified by
10 H. D. Tiemann. All logs that are over twenty-six feet in
11 length shall be scaled as two logs and whenever a log over
12 twenty-six feet is scaled as two logs the diameter of the
13 larger end is to be measured at a point where the division
14 is made and the necessary allowance made for the bark.

When a log is irregular in circumference the smallest diameter shall be used as a basis of computation. All measurements are to be made inside the bark and the scaler will make note of the exact condition of each log according to its measurements and note the same in a book to be kept for that purpose. The books in which records of logs are to be kept will be furnished by the Surveyor General to his different scalers and shall contain different columns showing the length of the log, its smallest diameter at the top end, and such other information as the Surveyor General may deem useful and proper. Whenever a log is over twenty-six feet in length and is scaled as two logs, the scaler will make note of the same and shall insert such description or remarks as he may deem necessary. The books in which a record of logs are kept are to be returned to the Surveyor General and shall be accessible at all times to the public.

Sect. 3. Every person, firm or corporation owning, conducting or carrying on his lumber operations on the waters of the Penobscot River or its tributaries, whether he is cutting logs on his own account or hauling and delivering on the waters aforesaid to be paid by the thousand, shall, before any logs are landed upon the waters of any stream, lake or the banks thereof, notify the Surveyor General in writing of such operation, giving an approximate quantity proposed to be hauled, whereupon said Surveyor General shall cause all logs hauled during such operation and before the

11 driving thereof has commenced to be scaled by scalers
12 appointed by him as herein provided.

Sect. 4. Whenever any person interested in the scaling of
2 logs cut, hauled and driven on the Penobscot River or its
3 tributaries shall be dissatisfied with the scale as given him
4 by the scaler he may appeal to the Surveyor General, whose
5 duty it shall be to make an investigation of the same and
6 report to the interested party or parties his decision. If
7 such interested party or parties are not satisfied with the
8 result of the investigation, and shall deem themselves ag-
9 grieved by his report, they shall appeal from his decision
10 in writing and ask for a Board of Scalers, which board shall
11 be composed as follows: One to be selected by the party
12 making the appeal; one by the Surveyor General; the two
13 thus chosen to select a third, which board of scalers will
14 determine all questions in controversy and their decision
15 shall be final. In all cases the cost of the investigation, as
16 aforesaid, shall be paid by the party or parties making the
17 appeal. Such appeal, however, must be made during the
18 time in which the logs are being scaled and in no case later
19 than ten days after the last log in the lot in question has
20 been scaled. The scaler at any operation shall furnish any
21 interested party a copy of his scale when so requested and
22 shall give any interested party any information that they
23 may desire in regard to his scaling accounts.

Sect. 5. It shall be the duty of the Surveyor General to
2 record all marks used upon logs cut or hauled or to be driven

3 by the various parties upon the waters of the Penobscot
4 River and its tributaries and in no case shall he record the
5 same mark to two different parties. When marks are so
6 recorded the party or parties in whose name they are
7 recorded shall have the first right to all logs of that mark
8 up to the quantity as shown by the returns of the scaler as
9 hauled or driven by said party or parties and any party or
10 parties maliciously using such marks as may be recorded
11 by another party or parties shall be subject to a fine of not
12 less than one hundred nor more than five hundred dollars
13 to be recovered in an action of debt.

Sect. 6. The salary of the Surveyor General shall be¹
2 twenty-five hundred (\$2500) dollars, and he shall fix the
3 salaries of the scalers appointed by him. The expense of
4 the Surveyor General's office, including the salary and
5 expenses of the Surveyor General, and the salaries of the
6 scalers appointed by him, shall be paid out of a fund raised
7 by an assessment upon the logs scaled, each mark of logs
8 paying its proportionate share of assessment in accordance
9 with number of feet in same. Said assessment to be made
10 by the Surveyor General, and if the amount assessed in any
11 one season shall amount to more than is necessary to pay
12 the expenses and salaries above mentioned, such amount as
13 shall be unexpended by the end of the year, less a reserve
14 of one thousand (\$1000) dollars collected as an incidental
15 fund, shall be divided and paid back to the log owners

16 assessed, in proportion to the number of feet that each
17 owner or owners represent in the assessment.

Sect. 7. The Surveyor General is hereby given a lien upon
2 the logs scaled by him, or under him for the scaling of same
3 as provided in this act, which lien shall have precedence of
4 all other claims, except lien reserved to the State and
5 laborers' liens. Such liens shall continue six (6) months
6 after logs shall arrive at the place of destination for sale
7 or manufacture, and may be enforced by attachment.

Sect. 8. If the Surveyor General or any scaler appointed
2 by him shall unreasonably refuse to do and perform any
3 duty required of him by this act or shall be guilty of fraud
4 or deceit in the performance of such duties, he shall be
5 liable to the party injured by such unreasonable refusal or
6 his fraud or deceit to the extent of his injuries.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 8, 1907.

Tabled pending reference to a committee by Mr. STRICKLAND of
Bangor and ordered printed.

E. M. THOMPSON, *Clerk.*