

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE
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CHAPTER 536

AN ACT Relating to Suitability of Employment.

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

26 MRSA § 1193, sub-§ 3, sub-¶ (4) is enacted to read:

(4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position which the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, provided that, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed.

Effective October 24, 1977

CHAPTER 537

AN ACT Concerning Standards for the Measurement of Wood.

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

Sec. 1. 10 MRSA § 2361, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

§ 2361. Definitions

1. Green wood. "Green wood" shall mean 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.

2. Wood. "Wood" as used in this subchapter shall mean the severed but unprocessed fibrous derivative of trees.

Sec. 2. 10 MRSA § 2362, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

§ 2362. Measurement of wood

1. Weight scale. In all transactions in which the sale of wood is based upon the weight of the wood, the weight shall not be converted to volume.

2. Butt scale. Butt scale may be used as a measurement in transactions involving the sale of wood by weight scale only to determine partial payment

until the wood sold can be scaled pursuant to subsection 1. Butt scale may also be used for final payment for cutting provided that the standard procedures as developed by the State Sealer of Weights and Measures are used, and the volume table to which the measurements are applied reasonably represents the volume of trees being cut on the operation. In cases of dispute the state sealer shall check scale the disputed wood in such manner as he determines fair to all parties as provided for in the appeal procedure of this section.

3. International $\frac{1}{4}$ inch log rule. The international $\frac{1}{4}$ inch log rule shall be the standard state rule for the measurement of logs. Nothing in this section shall prevent the use of any other log rule which is mutually agreeable to all parties concerned.

4. Other volume scale. Volume scales may be used for measurement of wood as are agreeable to all parties involved. These methods include, but are not limited to log rule, standard cord or face cord.

Sec. 3. 10 MRSA § 2363, sub-§§ 1 and 2, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

1. Established by State Sealer of Weights and Measures. The State Sealer of Weights and Measures shall after a public hearing preceded by at least 2 weeks notice in the state paper, establish standard procedures and promulgate regulations for the purchase of all weight scaled wood on a green weight basis only. Nothing in this section shall prevent the use of adjustments in weight which are mutually agreeable to all parties involved for wood that is not green. He shall also establish a standard procedure for arbitration should the parties involved be unable to agree.

2. Standards for the contractual purchase of wood. The state sealer shall, after a public hearing preceded by at least 2 weeks notice in the state paper, promulgate and adopt rules and regulations concerning standard procedures for the volumetric measurement of wood, including butt scale, log scale, cord scale and the administration and use of standards for the measurement of wood established under this subchapter as are necessary to ensure that those standards conform to contemporary knowledge and practice and to ensure that those standards may be efficiently and conveniently applied in transactions in Maine involving the sale of wood as defined in this subchapter.

Sec. 4. 10 MRSA §§ 2364 and 2365, as enacted by PL 1975, c. 598, § 1, are repealed.

Sec. 5. 10 MRSA § 2366, as enacted by PL 1975, c. 598, § 1, is repealed and the following enacted in its place:

§ 2366. Appeal procedure

1. Appeal to State Sealer of Weights and Measures. Any person aggrieved by the application or misapplication of standards and procedures promulgated under sections 2354 and 2355 must initiate appeal to the State Sealer of Weights and Measures within 7 calendar days of the alleged grievance.

2. Appeal to Superior Court. Any person aggrieved by any final decision

of the State Sealer of Weights and Measures upon any matter arising out of the operation of this subchapter, may, within 30 days after notice of such decision, appeal therefrom to the Superior Court of the county in which they reside by filing a notice of appeal stating the points of the appeal with the clerk of courts and the State Sealer of Weights and Measures.

Sec. 6. Declaration of purpose. The Legislature finds that the manufacture of various pulpwood products is one of Maine's most important industries and is responsible not only for the livelihood of thousands of factory workers and their families, but also for the livelihood of thousands of wood suppliers and woods workers. The Legislature further finds that there have lately arisen numerous instances where suppliers of pulpwood disagree with companies on the correct measurement of wood sold to those companies. The Legislature further finds that it is important to Maine's workers, businesses and economy that these disagreements be resolved before they result in a disruption of the state's economy and declares that it is the intention of this Act to resolve these disagreements by providing for clear standards for the measurement of wood.

Sec. 7. Effective date. The provisions of section 2362 shall become effective after 60 days from the promulgation of the standards as required in section 2363 by the State Sealer of Weights and Measures and the filing thereof with the Secretary of State. The State Sealer of Weights and Measures shall promulgate those standards within 120 days after being signed by the Governor.

Effective October 24, 1977

CHAPTER 538

AN ACT Establishing the Maine Student Incentive Scholarship Program.

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

Sec. 1. 20 MRSA c. 308 is enacted to read:

CHAPTER 308

STUDENT INCENTIVE SCHOLARSHIP PROGRAM

§ 2371. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Academic year and in attendance.** "Academic year" and "in attendance" shall have the same meaning as the definitions contained in section 1201 of the Higher Education Act of 1965, as amended, 29 U.S.C. 1141, and section 491 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1088, and such regulations, guidelines and procedures as promulgated by the