# **01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORSTRY**

**DIVISION OF REGULATIONS**

**Chapter 383: MEASUREMENT AND PROMPT FURNISHING OF MEASUREMENT TALLY SHEETS**

**SUMMARY:** This chapter of the *Wood Measurement Rules* establishes the requirements for measurement tally sheets and their distribution, and includes the general requirements for prompt measurement.

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**SECTION 1. MEASUREMENT AND PROMPT FURNISHING OF MEASUREMENT TALLY SHEET REQUIRED**

A. **Payment for services**

**NOTE**: These Rules shall not be read to undermine or otherwise interfere with the right to prompt payment of wages in the case of employees under the Maine Labor Laws. See 26 M.R.S.A. §621, "Time of payment" (requiring payment within 8 days) and §626 "Cessation of employment".

1. **General Rule.** The person requiring the services in harvesting or hauling shall measure the wood and promptly furnish to the person providing services a completed measurement tally sheet. In payment for services, to measure wood and "promptly" furnish the completed tally sheet means to measure the wood and furnish the tally sheet within 15 days after the services in harvesting or hauling were rendered.

(a) **Weight scale exception for harvesting wo**od. Where the wood will not be weighed within 15 days of when services in harvestings were rendered, the person providing the services may require an alternative method of measurement or may agree to delayed weight scale as permitted under the "green wood rule", Chapter 382 §6(J)(2-A).

(b) **Delayed weight scale record**. When wood is weighed later than 15 days after the services were rendered, the person requiring the services shall prepare a written record of the wood involved. The written record shall be given to the person providing the services in harvesting no later than 20 days from when the services were rendered and shall include the following information:

(i) the date;

(ii) the identity of the person or persons providing services in harvesting the wood by name or crew number;

(iii) a description of the wood in sufficient detail for the person providing services to identify it, as by location and pile number;

(iv) the location where the wood is expected to be measured;

(v) the date by which the wood will be measured; and

(vi) the percentage adjustment that the parties have agreed upon to account for any anticipated moisture (weight) loss.

2. **Preparation of measurement tally sheet**. The person who measured the wood, or the assisting tally person, shall enter the general information required on the tally sheet at the time the wood is measured. See Section 2(A), below.

3. **Immediate availability of tally sheet**. From the time the wood is measured until the measurement tally sheet is furnished, the person requiring the services shall make the measurement tally sheet available to the person providing the services at a reasonable location.

B. **Sale Transaction**

1. **General Rule**. In the case of sale, the party responsible for measuring the wood shall promptly measure the wood and furnish to the other party a completed measurement tally sheet. In a sale to measure and promptly furnish the measurement tally sheet means to measure the wood and furnish the tally sheet within 15 days of delivery of the wood to the purchaser, unless another time period is provided in the agreement of the parties.

2. **Preparation of Measurement Tally Sheets**. The person who measures the wood, or the assisting tally person, shall enter the general information required on the tally sheet. See section 2(A), below.

**SECTION 2. CONTENTS OF MEASUREMENT TALLY SHEET IN PAYMENT FOR SERVICES AND SALE TRANSACTIONS**

**NOTE**: Sample tally sheets are available upon request from the State Sealer.

A. **General Information Required**. All measurement tally sheets must include the following information:

1. **Parties identified**: Identification of the parties.

2. **Wood identified**: A description of the wood in sufficient detail for the parties to identify it. This may be by species, pile number, load number, location of origin, or otherwise. In the case of delayed weight scale, identify the written record of the wood involved, by date or otherwise.

3. **Date**: The date the wood was measured.

4. **System**: The system of measurement used.

5. **Marking**: Where marking is required, the color of the marker used to mark the measured wood, and haw culled pieces will be marked.

6. **Scaler**. The handwritten or stamped signature and license number of the scaler who measured the wood, or the signature of any other person who measured the wood and the name and license number of the supervising or authorizing scaler.

7. **Scaling measurements**. The scaling measurements of the wood measured, as required for the measurement system utilized. Set forth below in subsection C is the specific information for each measurement system.

(a) In the case of payment for services, the scaling measurements must be included on the Measurement Tally Sheet.

(b) In the case of a sale, this requirement to provide the scaling measurements may be omitted by agreement of the parties.

8. **Culled wood**

(a) The number of culled stems or pieces and the reason for culling.

(b) In the case of payment for services, where the wood is removed from the harvesting site, the actual measurement of the culled wood or a reasonable estimate of the measurement of the culled wood.

9. **Gross scale and deductions for each unit measured**. The gross scale and the amount of any permissible deductions from the gross scale for each unit measured indicating the reason for the deductions. The reason for the deductions may be provided by way of a code or other system of identification. (Reference should be made to Chapter 381 to determine when deductions from gross scale are permissible.)

B. **Supplemental information for off-site measurement**. In the case of payment for services harvesting wood where the wood is measured after it is removed from the harvesting area (off-site measurement), the following information shall be added to the measurement tally sheet by the person measuring the wood or the person requiring the services:

1. For mixed loads, the total quantity measured and the allocation among the persons providing services; and

2. Information which enables the person providing services harvesting the wood to relate the measurement tally sheet to the corresponding preliminary record or records for the wood.

C. **Cumulative total**. If a cumulative total of gross scale, and where appropriate, of net scale, were not included on the individual tally sheets: then

1. The cumulative total or totals shall be provided on a final tally or within 15 days after the wood was measured or hauled, but no later than at the time of payment for the wood.

2. The final tally shall identify all related measurement tally sheets by number or otherwise.

D. **Scaling measurements for each measurement system**. For each measurement system, the following scaling measurements shall be set forth on the measurement tally sheet:

1. **Butt measure**

The measured diameter of each piece or the diameter class of each piece.

2. **Count**

The number of pieces, by species or other groupings.

3. **Butt scale**

The measured diameter of each stem according to the butt diameter size.

4. **Stick cord scale**

(a) The width of the stack;

(b) Height and length of the pile; and

(c) The amount of any quantity reductions for voids.

5. **Log scale**

The measured length or top end diameter of each log.

6. **Linear measure**

The length of each stem or piece, individually or by length groupings.

7. **Cubic foot measure**

The top end and butt end diameters and the length of each stem or piece.

8. **Chip volume scale**

(a) The total volume of chips in cubic feet or chipcords; and

(b) in the case of a mixed load, how the load is allocated between the persons or crews involved.

9. **Thrown cord scale**

(a) The specified length of the bolts: 12, 16, or 24 inches;

(b) The total cubic footage of the filled containers and any partially filled containers.

10. **Weight scale**

(a) For wood not weighed as oven-dried:

(i) the loaded vehicle weight;

(ii) the tare weight (weight of vehicle and any foreign matter or culled wood); and

(iii) the load weight.

(b) For wood weighed as oven-dried where a representative sample is used:

(i) the loaded vehicle weight;

(ii) the tare weight (weight of vehicle and any foreign matter or culled wood);

(iii) the load weight;

(iv) the weight of the sample before drying;

(v) the weight of the sample after drying;

(vi) the percentage moisture content; and

(vii) the result of the percentage moisture content applied to the load weight.

11. **Sample Scaling**. The measurement tally sheet requirements for sample scaling are those required for the two other systems of measurement employed. The measurement tally sheet requirements for the other systems of measurement are set forth above. All cumulative tally sheets shall also include:

(a) the average scale of the applicable representative sample;

(b) the count or weight of the total quantity of wood being Sample scaled; and

(c) for purposes of identification, a reference description ,of the wood being sample scaled, by location or otherwise.

**SECTION 3: OFF-SITE MEASUREMENT: PRELIMINARY RECORD WHERE PAYMENT IS MADE FOR SERVICES HARVESTING WOOD**

A. **Preliminary Record Required**. When wood will be measured after it is removed from the harvesting area, persons requiring services harvesting wood shall make a cumulative daily record of all loads of wood removed from the harvesting area, numbering in consecutive order each load removed.

B. **Responsibility for Preliminary Record**. The person requiring the service is responsible for preparing and making the preliminary record available. This responsibility may be carried out by another person provided that other person is in a position to maintain a daily cumulative record of all loads of wood hauled. Preparation of the preliminary record may not be delegated to persons who are not in a position to maintain a daily cumulative record of all loads of wood hauled.

**NOTE**: For example, persons who ordinarily prepare the preliminary record are the logging service contractor, or the crane operator who loads the wood.

C. **Contents of Preliminary Record**. The record must include the following information for each load of wood removed:

1. the date;

2. the load number;

3. the identity of the person or persons providing services in harvesting the wood by name or crew number;

4. a description of wood in each load, in sufficient detail for the person providing services to identify it, as by location and pile number;

5. the location where the wood will be measured.

**NOTE**: Examples of a preliminary record are a clipboard list by consecutive load numbers or consecutively numbered trucking slips.

D. **Availability of preliminary record**. The preliminary record must be retained by the person requiring services and must be made available to the person providing services at the harvesting site on the day the wood is removed, and thereafter at a reasonable location designated by the person requiring services, and must remain available to the person providing services until 15 days after the related measurement tally sheet has been delivered to him.

**SECTION 4. MEASUREMENT TALLY SHEETS WHERE PRIVILEGE TO MEASURE WOOD OUT OF STATE HAS BEEN SUSPENDED**

During the period of time that an order suspending the privilege to measure wood outside of the state (as described in Chapter 381 §7) is in effect, the person requiring services to whom the order is directed must furnish any person providing services with a measurement tally sheet prior to hauling the wood out of state, and in accordance with the general requirements set forth in this chapter.

STATUTORY AUTHORITY: 10 M.R.S.A. §2361-A *et seq*.

EFFECTIVE DATE:

April 30, 1985 - filing 85-22

AMENDED:

July 30, 1986 - filing 86-277

September 6, 1988 - Section 2(D) - filing 88-304

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

NON-SUBSTANTIVE CORRECTIONS:

January 29, 2003 - formatting and punctuation only

CORRECTIONS:

February, 2014 – agency names, formatting

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 10, 2025