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

**DIVISION OF REGULATIONS**

**Chapter 385: LICENSING OF WOOD SCALERS**

**SUMMARY**: This chapter of the *Wood Measurement Rules* establishes requirements and procedures for the licensing of wood scalers and apprentice wood scalers; provides for temporary authorization for a substitute to scale when a licensed wood scaler is unavailable; and establishes authority and procedures for investigations to ensure compliance with licensing requirements.

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**SECTION 1. GENERAL PROVISIONS**

A. **License required**. No person may measure wood in a wood transaction covered by these *Wood Measurement Rules* in which his measurement will form the basis for payment, unless that person is licensed to do so in accordance with this chapter, except that:

1. No license is required for the measurement of wood by weight when that measurement involves only the reading or recording of the number on the scale; and

2. No license is required for the measurement of firewood in consumer transactions on the retail market.

B. **Enforcement actions and license penalties**. A licensed wood scaler or apprentice wood scaler who violates the *Wood Measurement Law* or these *Wood Measurement Rules* is subject to the enforcement action and license denial, revocation and suspension provisions set forth in Chapter 380 §4, sub-§§ A and B.

**SECTION 2. LICENSE ELIGIBILITY AND APPLICATIONS**

A. **Eligibility to apply for licenses**. Any individual 18 years of age or older is eligible to apply for a wood scaler license or an apprentice wood scaler license.

B. **Applications for licenses and renewal**. An application for a wood scaler license or an apprentice wood scaler license shall be made on forms obtained by the applicant from the State Sealer. An application to renew a wood scaler license shall be made on a form to be sent to licensees by the State Sealer.

**NOTE**: Application forms may be obtained from:

State Sealer - Wood Scaler Licensing

Department of Agriculture, Conservation and Forestry

Division of Regulations

28 State House Station

Augusta, ME 04333

Tele: (207) 287-3841

C. **Filing requirements for applications**. No individual may measure wood in a wood transactions covered by these *Wood Measurement Rules* until he has applied for and been issued a license by the State Sealer.

**SECTION 3. WOOD SCALER LICENSE**

A. **Qualifications**. To qualify for a wood scaler license, an individual must satisfy the State Sealer that he is competent to measure wood using one or more authorized systems of measurement and successfully complete an examination as established by the State Sealer. The level of qualification that is required will, in part, depend on which system(s) of measurement the applicant seeks to be licensed for. Among the ways to demonstrate competence are the following:

1. A total of 5 years experience as a wood scaler, whether continuous or non-continuous, within the past 10 years.

2. Two years continuous experience as a wood scaler immediately prior to the filing of the application,

3. Certification as a Registered Professional Forester in Maine or similar certification in another state of the United States or a province of Canada which is determined by the State Sealer to be at least the equivalent of certification as a Registered Professional Forester and evidence of experience scaling wood which demonstrates competence using one or more authorized systems of measurement;

4. Satisfactory completion of a training program in wood scaling plus six months experience as a licensed apprentice wood scaler working under the direct supervision of a licensed wood scaler. The applicant must provide information which demonstrates to the satisfaction of the State Sealer the merit of the training program; or

5. Two years experience as a licensed apprentice wood scaler working under the direct supervision of a licensed wood scaler.

6. Evidence of other training, experience scaling wood, or other relevant experience or knowledge, which demonstrates to the satisfaction of the State Sealer that the applicant is competent in one or more authorized system of measurement.

B. **Information required**. The applicant for a wood scaler license shall include in the application:

1. Information sufficient to demonstrate that he qualifies for a license under sub-§A; and

2. Information indicating what authorized system(s) of measurement he is competent to perform.

C. **Issuance**. On the basis of the information supplied by the applicant in the application and successful completion of the examination, and following receipt of the required fee, the State Sealer shall issue a wood scaler license to an applicant whom he determines to be qualified.

The license shall indicate the authorized system(s) of measurement the licensee is licensed to use. The State Sealer shall rely on the representations of the applicant in determining whether to issue a license. If the applicant misrepresents his qualifications on the application, it is a basis for denial, suspension, revocation of the license.

D. **Conditions**. The following conditions apply to wood scaler licenses:

1. A licensed wood scaler may use only the authorized system or systems of measurement for which he is licensed.

2. A licensed wood scaler shall keep the original or a copy of his license on his person at all times that he is engaged in the measurement of wood.

3. A licensed wood scaler shall sign or stamp all measurement tally sheets with his name and his license number.

4. A licensed wood scaler whose license has been revoked or suspended shall immediately return the revoked or suspended license to the State Sealer and shall immediately discontinue the measurement of wood in transactions in which this measurement will form the basis for payment.

5. A licensed wood scaler shall be responsible for the accuracy of his measurements and for compliance with these *Wood Measurement Rules*.

6. A licensed wood scaler who is assisted in the measurement of wood by any other individual, including an apprentice wood scaler, shall be responsible for the accuracy of the assistant's measurements and for the assistant's compliance with the *Wood Measurement Law* and these *Wood Measurement Rules*. if the assistant of a licensed wood scaler does not comply with applicable laws and rules, the licensed wood scaler will be subject to the sanctions of the *Wood Measurement Law*.

7. A licensed wood scaler shall be familiar with the *Wood Measurement Law* and these *Wood Measurement Rules* at the time he is licensed and shall remain familiar and comply with these laws and rules, including amendments, throughout his period of licensure.

E. **Term and Fees**

1. **One Year License**. The term of a one year wood scalers license is one year from the date of issuance or the date of renewal. The annual fee for a wood scaler license is $25.

2. **Two year License**. Upon request a wood scaler license may be issued for a two year period from the date of issuance or the date of renewal. The fee for a two year license is $50.

F. **Renewal**. A wood scaler license will be automatically renewed upon payment of the required fee and upon furnishing any information requested by the State Sealer, except that a wood scaler license will not be automatically renewed if:

1. The license has been suspended or revoked; or

2. The licensee is under investigation for an alleged violation of the *Wood Measurement Law* or these *Wood Measurement Rules*.

**SECTION 4. APPRENTICE WOOD SCALER LICENSE**

A. **Types and term of licenses**. There are two types of apprentice wood scaler licenses: a six-month license and a two-year license.

1. The six-month license allows the licensee, for a six-month period, to measure wood only under the direct supervision of a licensed wood scaler.

2. The two-year license allows the licensee, for a two year period, to measure wood only under the direct supervision of a licensed wood scaler.

B. **Qualifications**. The qualifications for an apprentice wood scaler license are as follows:

1. Any individual 18 years of age or older who has successfully completed a training program in wood scaling qualifies for a six-month apprentice wood scaler WMR‑385-5 license. The applicant must provide information which demonstrates to the satisfaction of the State Sealer the merit of the training program.

2. Any individual 18 years of age or older qualifies for a two-year apprentice wood scaler license.

3. An individual who is a licensed wood scaler in any system of measurement is qualified for a six month apprentice license in any other system of measurement.

C **Issuance**. On the basis of the information supplied by the applicant in the application, and following receipt of the required fee, the State Sealer shall issue an apprentice wood scaler license to an applicant whom he determines to be qualified. The license shall indicate whether the license is a six-month or two-year license.

D. **Conditions**. The following conditions apply to apprentice wood scaler licenses:

1. A licensed apprentice wood scaler may use only the authorized system or systems of measurement for which the licensed wood scaler who is his supervisor is licensed.

2. A licensed apprentice wood scaler shall keep the original or a copy of his license on his person at all times that he is engaged in the measurement of wood.

3. A licensed apprentice wood scaler shall sign or stamp all measurement tally sheets with his name, his license number, and the supervising scaler's name and license number. The supervising scaler's name and license number must be given even if the apprentice is temporarily measuring wood without supervision.

4. A licensed apprentice wood scaler whose license has been revoked or suspended shall immediately return the revoked or suspended license to the State Sealer and shall immediately discontinue the measurement of wood in transactions in which his measurement will form the basis of payment.

5. A licensed apprentice wood scaler shall be responsible, together with the licensed wood scaler who is his supervisor, for the accuracy of his measurements and for compliance with the *Wood Measurement Law* and these *Wood Measurement Rules*. If the licensed apprentice wood scaler does not comply with applicable laws and rules, both the licensed apprentice wood scaler and the licensed wood scaler who is his supervisor will be subject to the sanctions of the *Wood Measurement Law*.

6. A licensed apprentice wood scaler shall be familiar with the *Wood Measurement Law* and these *Wood Measurement Rules* at the time he is licensed and shall remain familiar and comply with these laws and rules, including amendments, throughout his period of licensure.

E. **Term**. The term of the apprentice license is two years. The holder of a six month apprentice license may apply for a wood scaler's license or for renewal of his apprentice license after six months of apprenticeship experience.

F. **Renewal**. An apprentice license will be automatically renewed upon payment of the required fee and upon furnishing any information requested by the State Sealer, except that an apprentice license will not be automatically renewed if:

1. The license has been suspended or revoked; or

2. The licensee is under investigation for an alleged violation of the *Wood Measurement Law* or these *Wood Measurement Rules*.

G. **Fee**. The fee for an apprentice wood scaler license is $15, except that a holder of a six-month license who, immediately following the six-month apprenticeship, successfully applies for a wood scaler license will receive a $15 credit toward the wood scaler license fee. An individual who is a licensed wood scaler for any measurement system qualifies for an apprentice license in any other system, and is not required to pay an additional fee for the apprentice license.

**SECTION 5. AUTHORIZATION FOR A TEMPORARY SUBSTITUTE TO SCALE WHEN LICENSED WOOD SCALER UNAVAILABLE**

A. **Authorized temporary substitute**. If due to circumstances beyond his control, a person is temporarily unable to obtain the services of a licensed wood scaler, or a licensed wood scaler is temporarily unable to perform his work, the State Sealer may authorize a licensed apprentice wood scaler or an unlicensed individual to measure wood in those particular circumstances, provided that:

1. The State Sealer must determine in advance that the substitute individual so authorized is competent to measure wood; and

2. The State Sealer shall set a definite time period, not to exceed two weeks, during which the authorized substitute may measure wood and shall specify the authorized system or systems of measurement which the substitute may use and the circumstances in which the substitute is authorized to measure wood.

B. **Emergency substitute**. If due to circumstances beyond his control, a licensed scaler is temporarily unable to perform his work, and neither he nor the person in need of the services of the scaler is able to reach the State Sealer to obtain authorization for a temporary substitute, the scaler may permit an unauthorized person to measure wood in his place, provided:

1. The licensed scaler and the person who measures the wood are both responsible for all measurements made and for compliance with the *Wood Measurement Law* and these *Wood Measurement Rules*;

2. Within two days, the licensed wood scaler, or the person in need of the services of the scaler, shall obtain temporary authorization from the State Sealer as provided in sub-§A;

3. The substitute individual must sign his name on all measurement tally sheets reflecting measurements made by him; and

4. The substitute individual must record the date he was authorized and the name and license number of the licensed wood scaler who authorized him on all measurement tally sheets reflecting measurements made by him.

C. **Licensed apprentice wood scaler**

1. A licensed apprentice wood scaler with a six-month license who has measured wood under the direct supervision of a licensed wood scaler for at least two months may measure wood without supervision for a period not to exceed two weeks if his supervisor dies or is incapacitated by illness or injury and another licensed wood scaler is unavailable.

2. A licensed apprentice wood scaler with a two-year license who has measured wood under the direct supervision of a licensed wood scaler for at least six months may measure wood without supervision for a period not to exceed two weeks if his supervisor dies or is incapacitated by illness or injury and another licensed wood scaler is unavailable.

D. **Avoidance of licensing requirements**. Any temporary authorization to measure wood under sub-§§ A through C is a violation of these *Wood Measurement Rules* if the purpose of obtaining or giving the temporary authorization is to avoid getting a license or to avoid using a licensed scaler.

**SECTION 6. INVESTIGATIONS TO ENSURE COMPLIANCE WITH LICENSING REQUIREMENTS**

A. **Compliance investigations**. The State Sealer may conduct such investigations as he deems necessary to verify and ensure compliance with the licensing requirements of the *Wood Measurement Law* and these *Wood Measurement Rules*. If the investigation involves check measurement, the check measurement shall be conducted by a wood scaler who is licensed under this chapter and who is either a state employee or a person under contract to the State.

B. .Whenever the State Sealer has reason to believe a violation of the *Wood Measurement Law* or these *Wood Measurement Rules* has occurred, the State Sealer may issue preliminary findings and a determination and written findings as set forth in Chapter 384, §§ 11 and 12.

**NOTE**: The penalties for violation of the *Wood Measurement Law* and these Rules, including fines, damages, and denial, suspension, or revocation of a Wood Scaler's license or apprentice license are set forth in Chapter 380 §4.

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

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