

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE

SENATE AMENDMENT " C " to H.P. 1511, L.D. 1941, Bill, " AN ACT
to Create a Maine Agricultural Bargaining Board."

Amend said Bill in section 1 by striking out all of subsection 2
of that part designated "§1956." and inserting in place thereof the
following:

'2. Membership. The board shall consist of 5 members who
shall be appointed by the Governor with the approval of the Council.
One member shall be appointed from a list of names submitted by
agricultural producer organizations organized under this subchapter
and chapter 81. One shall be appointed from a list of names submitted
by processors of agricultural products. Three shall be representatives
of the public.

The initial terms of office of members of the board shall be 2
years for 2 representatives of the public and 3 years for the producer
and processor representative and 4 years for the remaining public
member. The Governor shall designate one member to serve as chairman
of the board. Thereafter all terms shall be for a period of 5 years.
Each member of the board shall be eligible for reappointment and shall
hold office until his successor is appointed and qualified. In the
event of a vacancy, the Governor and Council shall, within one month,
appoint a successor to fill the unexpired term of his predecessor.
All appointments to the board shall be made in conformity with the
foregoing plan. Members shall take the oath of office prescribed
for state officers.

(Filing No. 8-223)

Further amend said Bill in section 1 by striking out all of paragraph D of subsection 3 of that part designated "§1957." and inserting in place thereof the following:

'D. The association represents 51% of the producers and produced at least 1/2 of the volume of a particular agricultural product for the specific handler involved with those producers and that agricultural product during the previous 12 months; if the board has reasonable cause to question such representation, the board shall require a secret ballot election to certify the percentage of representation; and'

Further amend said Bill in section 1 by adding a new sentence at the end of subsection 4 of that part designated "§1958." to read as follows:

'Provided, ← that nothing contained herein shall preclude a handler from obtaining agricultural products from other producers if the members of the qualified association refuse to furnish such products to the handler during the negotiating period.'

Further amend said Bill in section 1 by striking out all of that part designated "§1963." and inserting in place thereof the following:

'§ 1963. Service and subpoena

Complaints, orders and other papers of the board shall be served in accordance with the methods provided by the Maine Rules of Civil Procedure.

In any proceeding before the board under this Act, the board may issue subpoenas for the attendance of witnesses or for the production of documents and may examine witnesses under oath provided that:

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1. Upon written application of a party to a proceeding, the board shall issue subpoenas for the attendance of witnesses or for the production of documents;

2. A person who fails to obey the subpoena of the board may be punished as for contempt of court on application by the board to the Superior Court for the county in which such failure occurs;

3. Witnesses who are summoned before the board or its agents shall be entitled to the same witness and mileage fees as are paid to witnesses subpoenaed in the District Courts of the State.'

Further amend said Bill in section 1 by adding at the end a new section to read as follows:

'§ 1965. Unfair practices

1. Producers of agricultural commodities are free to join together voluntarily in associations as authorized by law without interference by handlers. A handler shall not engage nor permit an employee or agent to engage in any of the following practices, defined as unfair practices:

A. To coerce a producer in the exercise of his right to join and belong to or to refrain from joining or belonging to an association or to refuse to deal with a producer because of the exercise of his right to join and belong to an association except as provided in section 1968, subsections 4 and 5.

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B. To discriminate against a producer with respect to price, quantity, quality or other terms of purchase, acquisition or other handling of agricultural products because of his membership in or contract with an association.

C. To coerce or intimidate a producer to breach, cancel or terminate a membership agreement or marketing contract with an association or a contract with a handler.

D. To pay or loan money, give anything of value or offer any other inducement or regard to a producer for refusing or ceasing to belong to an association.

E. To make or circulate unsubstantiated reports about the finances, management or activities of associations or handlers.

F. To conspire, combine, agree or arrange with any other person to do or aid or abet the doing of any practice which is in violation of this Act.

G. To refuse to bargain with an accredited association with whom the handler has had prior dealings or with an accredited association whose producers in the bargaining units have had substantial dealing with the handler prior to the accreditation of the association.

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H. To negotiate with a producer included in the bargaining unit after an association is accredited.

B. An association shall not engage or permit an employee or agent to engage in the following practices, defined as unfair practices.

A. To act in a manner contrary to the bylaws of the association.

B. To refuse to bargain with a handler with whom the accredited association has had prior dealing or with whom its producers have had substantial dealing prior to the accreditation of the association.

C. To coerce or intimidate a handler to breach, cancel or terminate a membership agreement or marketing contract with an association or a contract with a producer.

D. To make or circulate unsubstantiated reports about the finances, management or activities of other associations or handlers.

E. To conspire, combine, agree or arrange with any other person to do or aid or abet the doing of any practice which is in violation of this Act.

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F. To hinder or prevent, by picketing, threats, intimidations, force or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports or other ways of travel or conveyance.

G. To exercise coercive pressure by picketing, patrolling or otherwise business establishments other than the premises owned or controlled by the handler in order to cause such parties to cease doing business with such handler.'

Further amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Agriculture the sum of \$21,220 to carry out the purposes of this Act. The breakdown shall be as follows:

	<u>1973-74</u>	<u>1974-75</u>
AGRICULTURE, DEPARTMENT OF		
Personal Services	(1) \$ 3,162	(1) \$ 3,162
All Other	7,198	7,198
Capital Expenditures	<u>500</u>	<u>----</u>
	\$10,860	\$10,360'

Statement of Fact

The purpose of this amendment is to clarify the responsibilities and duties of handlers and producers under this Act.

(Speers)

NAME:

COUNTY: Kennebec

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