

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2498

H. P. 1952

House of Representatives, February 7, 1974

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Smith of Dover-Foxcroft.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Authorizing a Study of Maine's Forest Products Industry.

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

Sec. 1. Commission; duties. A special commission shall be constituted and appointed to investigate the quantity and quality of timber management practices in the forest products industry in Maine and whether or not there is a need for tax or other incentives in order to encourage those management practices which are in the best interests of the State over the long term, the present and prospective impact of the Tree Growth Tax Law from the standpoint of its efficacy and fairness as a device to generate revenue and its effect upon forest practices and forest product utilization, the economic impact upon Maine of the bonded labor program, so called, by which Canadian labor is permitted to be imported and employed on a large scale in the forest products industry, the existence of anti-competitive practices or conditions in the forest products industry in Maine, if any, including, but not limited to, past or present violation of Federal or State anti-trust laws, the extent to which there are laws or regulations or policies of agencies or instrumentalities of the State, if any, which are written or administered in a manner which grant special or favored treatment to the forest products industry, or elements therein, with a view toward compiling a list of any such laws, regulations or policies and a concise statement of any discernible rationale therefor and any discernible cost thereof.

The commission shall make a written report of its findings and include applicable specific recommendations with respect thereto. The commission shall issue its report not later than December 1, 1976. The commission shall

be available after the issuance of its report in order to answer questions respecting the report, and shall continue in existence for those purposes until February 1, 1977 and no longer.

Sec. 2. Powers. The commission shall have the power to adopt rules to interpret and carry out this Act, to compel the attendance of witnesses and require the production of evidence and executive contracts and other agreements to carry out its purposes. Any Justice of any Superior Court shall, upon petition of the commission, enforce any subpoena, "duces tecum" or otherwise, issued by the commission in pursuance of its powers and responsibilities hereunder. The commission shall have the power to afford confidential treatment to any materials or information turned over to it, which the commission determines are in the nature of confidential business information, the divulgence of which would jeopardize competitive or business relationships.

Sec. 3. Membership. The membership of the commission shall consist of 5 persons appointed by Governor. The Governor shall designate a chairman. In the event of the death, resignation or removal of any member, the vacancy for the remainder of the term shall be filled by the Governor. The members of the commission may be removed only for neglect of duty or malfeasance.

Sec. 4. Meetings. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor.

Sec. 5. Staff. The commission is authorized to hire a full-time staff, competent in such fields as forestry, general and forest economics and anti-trust law. The commission shall be empowered to hire classified or unclassified employees of the State to fill staff positions and such persons shall be granted, upon their request, leaves of absence without pay in order to accept such a staff position and shall be restored to their former positions upon termination of the functions of the commission. The commission shall not be required to hire classified or unclassified employees of the State. The staff of the commission shall be hired by contract and shall serve in that capacity as neither classified nor unclassified employees of the State. Compensation of the staff shall be established by the commission, within the limits of available funds.

Sec. 6. Reimbursement of expenses. Each member of the committee shall be entitled to receive \$50 per day for compensation of the time actually spent in the performance of his duties and actual travel and other necessary expenses incurred in the performance of his duties.

Sec. 7. Federal and other funds. The commission shall be authorized, on behalf of the State, to solicit and accept funds from the Federal Government and from foundations and other charitable institutions to carry out the purposes of this Act.

Sec. 8. Cooperation of state agencies. The commission shall be entitled to the full cooperation of all agencies and instrumentalities of the State.

Sec. 9. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$50,000 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act.

STATEMENT OF FACT

The purpose of this bill is to create a commission to study Maine's forest products industry. The study shall include investigation of 1) timber management practices, 2) the impact of the Tree Growth Tax Law, 3) the economic impact of the bonded labor program, 4) the existence of anti-competitive practices or conditions, if any, and 5) the existence of laws, if any, granting special or favored treatment to the forest products industry.

Recently very serious questions have been raised regarding the operations of Maine's forest products industry. These questions merit thorough investigation. The commission established by this bill is designed as a mechanism to complete such an investigation in a fair and objective manner.