

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1964

H.P. 1471

House of Representatives, April 28, 2004

An Act To Protect Forest Products, Loggers and Haulers

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Van Buren. (GOVERNOR'S BILL)
Cosponsored by Senator MARTIN of Aroostook and
Representatives: HATCH of Skowhegan, HUTTON of Bowdoinham, JACKSON of Fort Kent,
PINEAU of Jay, Senators: BRYANT of Oxford, EDMONDS of Cumberland, HATCH of
Somerset, STANLEY of Penobscot.

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

Sec. 1. 26 MRSA §1351, as enacted by PL 2003, c. 670, §3, is amended to read:

§1351. Legislative findings

The Legislature finds that Maine's forest products industry is a vital component of Maine's economy and has a direct relationship to the economic health and welfare of workers, communities and businesses. Central to the viability of the forest products industry is a stable workforce of loggers and wood haulers available to harvest wood from Maine's forests and bring the wood to mills and other wood-using industry. The erosion of the logger and wood hauler infrastructure in any major region of the State can have a serious negative effect on wood products manufacturing throughout the State. The Legislature further finds that, based upon patterns and configurations of forest landownership, the harvesting and hauling of forest products are performed by numerous loggers and truckers who, in many cases, are not able individually to bargain effectively with forest landowners who possess overwhelming market power. The Legislature finds that such market power exists whenever -a- one forest landowner owns, possesses or acquires economic control over more than 400,000 acres in a labor market area, which acreage constitutes more than 30% of the total land area in that labor market area. Accordingly, the Legislature finds it necessary, in the absence of sufficiently vigorous competitive market forces, to displace competition as provided in this chapter. The inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for the services of loggers and wood haulers. The Legislature finds evidence of unfairness in the fact that contract rates for harvesting and hauling services are considerably lower on the land of such owners. The Legislature finds that it is in the public interest to ensure a reasonable rate of compensation for harvesting and hauling services and therefore creates in this chapter a process whereby the State displaces existing market forces and, upon request, sets the rates of compensation for such services.

Sec. 2. 26 MRSA §1352, sub-§5. ¶A. as enacted by PL 2003, c. 670, §3, is amended to read:

A. A person that owns directly or through affiliated persons, or possesses economic control over, more than 400,000 acres in a labor market area, which acreage constitutes more than 30% of the total land area in that labor market area; or

