

# MAINE STATE LEGISLATURE

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CANADIAN LABOR

in the

MAINE WOODS

A Report by  
The Bureau of Labor Education  
University of Maine

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A Report to the

Joint Select Committee on Forest Resources

January 1, 1977

Prepared by:

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## ABSTRACT

Whatever effects the presence of Canadian labor in the Maine woods may or may not have on the domestic labor market, on wage scales and working conditions, that presence is a long established fact. Given the friendly interrelationship between Canada and the United States, that presence is not likely to be outlawed.

On the contrary, due to a change in federal immigration law that takes effect January 1, 1977, it will become considerably easier for a Canadian woodcutter to obtain a permanent visa instead of a temporary work visa. Thus the primary subject of this report, the bonded labor program, may nearly disappear from view in the foreseeable future.

Of course the lower profile of the Canadian bonded labor program would not make the very real problems of the Maine woodsmen likewise disappear. Paradoxically, the only operational governmental oversight of occupational conditions in the wood harvesting industry is presently provided by the law governing the employment of bonded labor. In fact new protective legislation may be required to replace the functions of the bonded labor program.

Though currently directed against Canadian commuters and bonded laborers, the angry complaints and threats of the woodsmen are signs of deeper trouble. In researching this report, none of the serious allegations of the woodsmen was disproven, though neither could many be proven conclusively with existing data. Therefore, the major recommendations of this report are:

1. To establish a special Blue Ribbon Commission to listen to all sides of the story: to study and report the conditions of employment and the problems of Maine woodsmen; and
2. To give immediate attention to the recognized problems of the Maine woodsmen, such as safety, which can be ameliorated by legislation.

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## STATEMENT OF THE PROBLEM

The following complaint was published in a Portland newspaper in 1883:

There is much comment on that species of protection that allows hundreds of horses to be brought here openly from New Brunswick, bonded at small cost, and allowed to work through the lumbering season and return home in the spring . . . These horses come from St. John and Miramachi, and are owned by small farmers who have no use for them during the winter months, did not our custom laws kindly invite them to 'Come o'er to Ameriky' where they work for just sufficient to keep themselves and teams until the opening of farming operations in the spring . . . Our lumber is of no benefit to us; it is cut and hauled and driven down the streams by province parties who bring their lumber and go back home again. If the province teams were not allowed to come over here and work our farmers could get employment for their teams . . . Where is our protection for the laboring man that we have heard so much about from Republican orators during the last campaign?<sup>1</sup>

The perception of Canadians taking American jobs is hardly a new phenomenon.

More recently similar grievances against woodsmen from the provinces have been lodged by the Maine Woodsmen's Association, (M.W.A.), a local group attempting to organize

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1. quoted in *A History of Lumbering in Maine 1861-1960* by David C. Smith; University of Maine Press; Orono, Maine; 1972; pp. 19-20.

in the Maine woods, (see exhibits, Appendix A). As a case in point, the M.W.A. has claimed that under the present statutes bonded Canadian woodworkers occupy jobs to which willing and capable domestic woodworkers are legally entitled. Because it has been alleged that qualified domestic workers have been refused their right to "bump" the bonded laborers from such jobs, the M.W.A. has charged that the statutes are not being properly enforced. Further, the M.W.A. has charged that the presence of Canadian workers in the domestic woods labor force has depressed the wage scales and working conditions for domestic workers as well, which is also prohibited by the statutes governing the employment of temporary bonded labor. The latest complaint made by the M.W.A. is that Canadian commuters who live and work in the Maine woods during the week and commute home to Canada on weekends should not be granted immigrant visas which give them the same job rights as U.S. citizens.

Following the public controversy provoked by the Maine Woodsmen's Association and the resulting concern of Maine legislators, (state and federal), to which the M.W.A. charges were frequently addressed, the Joint Select Committee on Forest Resources requested that a report on the situation be researched and prepared by the Bureau of Labor Education, University of Maine, (see Appendix B). That research did not produce an objective data summary, but instead, hopefully, a systematic attempt to understand the issues.

## IMMIGRATION

Initially one of the confusing aspects of this situation has been the classification of Canadians under the immigration laws. Basically, there are three categories of Canadian workers in Maine: 1) those with an immigrant visa "maintaining permanent residence in the U.S.," 2) those with a temporary non-immigrant visa performing jobs for which there are supposedly no available domestic workers, and 3) those without visas, (illegal aliens).

In the first category, (the immigrant visa), occasionally a distinction has been made between those immigrants who reside in Maine continuously and those immigrants (also with permanent-residence visas) who return to their residences in Canada regularly, termed "commuters." For example, many visaed woodsmen live in logging camps during the week and return "home" to their families in Canada on the weekends. It has been argued by some that commuters should not be considered immigrants when in fact their home base remains on the Canadian side of the border. But according to past practice over the years, Immigration Service officials have accepted what some call the "amiable fiction" that these commuters are actually permanent residents of the United States. A recent decision of the U.S. Supreme Court<sup>2</sup> confirmed this past practice of considering

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2. Saxbe, Attorney General, et al. v. Bustos et al.; No. 73-300; argued 10/17/'74; decided 11/25/'74.

"commuters" as legitimate permanent residents making "a temporary visit abroad" when they go home to Mexico or Canada on weekends. Thus there can be no legal distinction made between immigrants with visas who "maintain permanent residence" in Maine, whether they be "commuters" or not.

However, commuters can be counted when they cross the border. For example, a border count of commuters working in wood harvesting occupations taken this summer tallied 379. But confusion arises whenever such a number is mentioned in response to a question asking how many Canadian immigrants are working in the Maine woods. Because immigrants are not listed by occupation, there is no legal way to count the immigrant woodsmen who do not commute. Therefore, no report can accurately state the number of Canadian immigrants in wood harvesting occupations in Maine.

The salient factor regarding the immigrant visa is that, once the Canadian has been granted that visa, not only is he admitted to establish permanent residence, but he enjoys exactly the same rights in the labor market as the worker who is a U.S. citizen: the same rights to apply for jobs, to be protected from discrimination, to change jobs, or to change occupations. The immigrant is legally considered as a domestic worker, as a member of the domestic labor force. Thus the visaed Canadian immigrant cannot legally be discriminated against in the Maine wood harvesting industry.

A temporary, non-immigrant visa, also called an "H-2" visa, may be granted under certain conditions to a Canadian to enter this country in order to work at a job which has not been filled because of an insufficient domestic labor supply. That "H-2" worker takes a specific job and is not allowed to change jobs or move elsewhere under the temporary visa. The employer is required to post a bond to assure that this worker returns to his native country after the job or the temporary visa expires. And so, workers in this category are referred to as "bonded Canadian labor." The number of bonded Canadian woodsmen in Maine has dwindled in recent years--(only 644 in June of 1976 as compared with 6,437 twenty years ago, nearly ten times as many)--though employment in general in this occupation also fell during this same period due to the mechanized revolution of the chain saw and the rubber-tired skidder. Essentially, the argument against bonded laborers is that they still occupy many jobs for which there is no domestic labor shortage, contrary to the law.

The third group of Canadians, the illegal aliens, may also occupy domestic jobs in violation of the law. Until now, the sole responsibility for that violation has been assigned to the illegal alien, with no penalties or sanctions against the employer who knowingly hires such an illegal alien. Legislation will be introduced during this session of the Maine Legislature that would impose a fine on employers who knowingly hire an

illegal alien, (a position endorsed by the AFL-CIO). Though this new statute would supposedly make it easier to trace, apprehend, and deport illegal aliens, the District Director of the U.S. Immigration and Naturalization Service in Portland contends that current enforcement procedures effectively control the problem of illegal aliens in domestic employment.

As of January 1, 1977 the provisions of federal immigration laws concerning Canada will change significantly. Since 1968, Canada has been grouped with other countries in the Western Hemisphere under a general immigration quota of 120,000 visas per year, first come first served. As a consequence, the immigration of Canadians has dropped from about 30,000 in 1965 to about 5,000 last year, and the waiting list for someone in Canada who wants an immigrant visa is currently about 32 months! Under the new amendments<sup>3</sup>, no Western Hemisphere nation will be allowed more than 20,000 visas per year, which is expected to allow a substantial increase in Canada's share of the quota. The District Director of the U.S. Immigration and Naturalization Service in Portland estimates that by June of 1977, Canadians applying for immigrant visas will probably get them after about a two-month wait: i.e., presumably all Canadian workers (skilled and unskilled) who want immigrant visas will be able to get them without much trouble. It is assumed that some of the

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3. Public Law 94-571: An Act to Amend the Immigration and Nationality Act; 94th Congress; Oct. 20, 1976.

Canadians currently employed under the constraints of bonded labor restrictions will opt for the comparative freedom of an immigrant visa, and the bonded labor program may well decline, if not expire.

On the other hand, it has also been suggested that many Canadians may have good reason not to want to relinquish the benefits of Canadian citizenship, such as the medical, family, and business subsidies, and of course, home. However, according to law the Canadian with an immigrant visa should get preference in employment in Maine over the Canadian with a temporary work visa: if the job market is competitive, and if the laws are enforced, it would seem logical that Canadian woodcutters with immigrant visas will increase. Since many of the bonded woodcutters already commute home regularly, it also seems logical that commuters with immigrant visas will increase.

In answer to the complaint that commuters should not be granted immigrant status, one legislative remedy being suggested and considered would require Canadians with immigrant visas to reside and remain in the United States, perhaps exempting resident populations within a certain radius, say 25 or 50 miles, of major industrial centers and cities, or even the border itself. Presumably this would cause some hardship among the commuters, who ultimately would have to choose between the United States and Canada, or between their trade and their

families. Some might have to move their families to Maine permanently. Or some might return to Canada. Especially if this latter trend were to gain momentum, it's not inconceivable that their employers would claim a labor shortage and apply for bonded labor certification to get them back again. In contrast to the present circumstances where it has been suggested that the new change in the immigration laws will influence Canadian woodsmen to favor the status of the immigrant visa over the temporary work visa, changing the immigration laws further to prohibit Canadians with immigrant visas from commuting might well influence Canadian woodsmen to favor the bonded labor status over the immigrant visa. In other words, instead of fewer bonds and more immigrant visas, the trend would turn toward fewer immigrant visas for woodsmen and more bonds.

So regardless of the expected decline in bonded labor in the near future, the bonded labor program can't be ignored in hopes it will just go away. The U.S. Forest Service has commissioned a special study of the bonded labor program which is about to be completed by Dr. Robert Bond of the University of Massachusetts. It is suggested that copies of this research study be requested from:

Dr. Charles Wolf  
U.S. Forest Service  
Forest Products Marketing Laboratory  
P.O. Box 152  
Princeton, West Virginia 24740

Due to be released in February, it is hoped that this research will provide a detailed analysis of the process and the functions of the bonded labor program.

#### THE DEPT. OF MANPOWER AFFAIRS

When an employer makes application to the Immigration Service for temporary non-immigrant visas to import Canadian bonded labor, the first step in the process is for the Department of Labor to certify that there is a legitimate shortage of available domestic workers in that occupation; (remember that the "domestic" labor force includes U.S. citizens and visaed Canadian immigrants). The certification process in turn is a complicated bureaucratic protocol. Employers are required to place job advertisements in every major newspaper in Maine. The Maine Employment Security Commission sends job orders out to every branch office in the state and to other states as well: last year the M.E.S.C. cleared out all referrals for woodcutters from Maine, New England, and New York, and job orders went all the way to Oregon and Washington. The Maine Dept. of Manpower Affairs then sends their recommendation for certification to the Dept. of Labor in Boston, where it is evaluated and sent on to the Dept. of Labor in Washington, D.C., where it is evaluated and sent back to Boston, where it is sent on to the Immigration Service in Portland and back to the Dept. of Manpower Affairs in Augusta.

It is also the designated responsibility of the Dept. of Manpower Affairs to oversee compliance with the laws regulating bonded labor, supposedly to assure that the use of bonded Canadian labor does not depress the wages and working conditions of domestic workers. Logging camps and operations where any bonded laborers are employed may be inspected to see that sanitary standards are met, such as hot and cold running water. The payroll records of employers are audited to determine "the prevailing wage" and to make sure the prevailing wage is paid to all bonded laborers and to all domestic workers as well.

In the past, complaints of violations could be lodged directly with the Dept. of Manpower Affairs, which in turn would contact the Immigration Service in Portland; and the certification of the bonds of the employer committing the violation would be suspended until the circumstances were rectified. During the last few years registered complaints have been averaging about 30 per year. However, last summer one of these employers took the Dept. of Manpower Affairs to Maine Superior Court to prevent the State Dept. of Manpower Affairs from moving through the U.S. Immigration Service to suspend the certification of bonds in order to compel compliance with federal law. Subsequently the Dept. of Manpower Affairs reverted to the red tape of sending a recommendation through the proper channels--to Boston to Washington back to Boston and back to Portland and Augusta.

Yet, though the government oversight of wages and working conditions provided by the regulations for bonded labor is procedurally clumsy, that is the only access to wood harvesting occupations currently utilized. Without the bonded labor program, whatever ongoing regulation there is would be lost.

#### BONDED LABOR

As previously noted, specified rules and conditions must be satisfied in order for the employer to import temporary labor from Canada. The employer must post a bond, insuring that the temporary laborer will return to Canada at the end of the certification period. The employment of temporary bonded labor must not adversely affect the wages or the working conditions of the domestic labor force. The employer must be able to provide the bonded woodsman with the necessary tools of the trade; or, if the bonded woodsman is willing to provide his own chain saw and/or skidder, the employer pays the woodsman a chain saw and/or skidder allowance for the use of the machinery. Because the employment of bonded labor must not adversely affect the availability of jobs for domestic workers, the employer who uses bonded labor must also be able to provide the tools of the trade--in this case chain saw and/or skidder--for the qualified domestic worker who applies for the job. If all the employer's jobs are filled, but some by bonded laborers, the employer must allow a qualified domestic job applicant to "bump" a

bonded laborer, sending him back to Canada. The employer must pay the repatriated Canadian a guaranteed wage for the duration of the contract if a certain portion of the contract has already been completed.

With the limitations imposed on the bonded laborer, why do Canadian woodsmen agree to work under a temporary visa for an employer in Maine? Wage scales may be somewhat higher in the states than in the provinces. As of October, 1976 the unemployment rate in Quebec was 8.6%, and the unemployment rate in New Brunswick was 11.8%<sup>4</sup>. In the latter case, this figure represented 31,000 people, of which 1,250 were registered in the "timber cutters and related" occupational category. An official in the Fredericton office of the Ministry of Labor claimed that if all registrants were counted in the statistics, including the underemployed getting by on part-time work and those no longer actively looking for a job, the unemployment figure would reach 19.7%, (which compares with the Great Depression). So these bonded laborers need their jobs. In addition, a language barrier limits the mobility of French-speaking Canadians, yet to the Francophile Maine may offer the most hospitable linguistic environment for job migration this side of Louisiana. And while woodcutting may be a relatively common skill in the forested provinces, other occupational

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4. Unemployment statistics courtesy of the Ministry of Labor offices in Quebec City and Fredericton.

skills that are saleable elsewhere may not be so prevalent among the job-seekers.

In tribute to the bonded laborer, the Canadian woodcutter can boast a reputation as a rugged worker, and an employer may well be reluctant to replace the rugged Canadian with a domestic job applicant who is nonetheless legally entitled to bump the bonded worker. And the employer may be reluctant to hire a new worker and still make payments to the worker who was bumped. In some cases it has been alleged that employers cannot afford to provide the equipment for the domestic job applicant that the bonded Canadian brings along with him, such as a skidder, which may cost upwards of \$30,000. Thus, while the law states quite simply that the qualified domestic job applicant is entitled to bump a bonded Canadian laborer, in actual practice it may not be quite so easy.

#### THE MAINE WOODSMEN'S ASSOCIATION

The loud protests of the Maine Woodsmen's Association have made newspaper headlines and provoked continuing public controversy, (of which this report is one result). Not affiliated with a national or international union, the M.W.A. is a local group attempting to organize laborers related to the wood harvesting industry in Maine.

Although Wayne Birmingham, President of the M.W.A., has attacked the problem of Canadian labor in the Maine woods as

the primary obstacle to improving the wages and working conditions of the woodsmen through collective bargaining, the angry complaints of the M.W.A. are by no means limited to Canadian woodsmen depressing the domestic labor market. Birmingham argues that the money squeeze is an acute problem. He claims that the reports of relatively high wages are inflated and exaggerated, that many workers in wood harvesting occupations are in desperate financial straits because the profit they make per cord or per hour is so skimpy. Woodcutters, he says, have to work so hard to make a decent living that they often burn themselves out before they're 40. But the scapegoat for these problems has become the Canadian woodsmen, who, according to Birmingham, keep wages low and working conditions unchanged and displace American woodsmen and block any concerted improvement in the situation. Though the rule-of-thumb estimate of the wood harvesting labor force in Maine is 5,000 men, Birmingham estimates that the total figure may be 8,000 when all the part-timers and small jobbers are included, of which he estimates up to 3,000 are Canadians.

There have been several specific complaints from the Maine Woodsmen's Association that their members have been refused the right to bump bonded Canadian laborers. There have been further complaints that M.W.A. members have been blacklisted as labor agitators, unable to secure employment in the only occupation they know. In retaliation for these alleged injuries, Birmingham

has threatened to throw the Canadians out of the Maine woods by force.<sup>5</sup> Circumstances do not suggest that this is an idle threat.

#### THE U.P.I.U.

Meanwhile, the U.P.I.U. (United Paperworkers International Union) has rather quietly organized many of the big woods operations and contractors over the past year. According to published statements, the U.P.I.U. takes a different view of Canadian labor, as there are several Canadian members of the union. An organizer for the U.P.I.U. maintains that in order to organize the logging camps in Maine successfully, a union *must* organize the Canadian woodcutters: i.e., organizing can't be accomplished without the support of many Canadian woodsmen.

So the U.P.I.U. has declared that it will protect its members and resist any efforts to throw Canadian woodsmen out of Maine, also by force if necessary. The published threats of the U.P.I.U. and the M.W.A. are warning signs of the potential for violent conflict between these two factions. Both organizations share the same goal, but each is operating from an opposing tactical base: the M.W.A. organizes around the demand that Canadians be thrown out of the Maine woods, while the U.P.I.U. organizes on the principle of protecting the workers who occupy the jobs at present. The disagreement between these competing organizations bodes more than a clash of ideologies.

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5. See Appendix C.

### THE LABOR SUPPLY

Whether there is a labor shortage or a labor surplus in the Maine woods depends on your source of information. Contradictory indications and evidence can be cited to disprove either hypothesis. Likewise, there is no definitive consensus on manpower projections for future demand.

Before any bonded labor can be certified, a shortage of domestic labor available and capable to do the work must be demonstrated. As previously described, the Dept. of Manpower Affairs requires the prospective employer to advertise and recruit for the jobs, and referrals are cleared from every branch office of the M.E.S.C. and job orders sent to the state employment offices around the country where the particular occupational skills might be found. Only after these procedures have been exhausted is the domestic labor shortage verified.

In rebuttal, Wayne Birmingham contends that, extensive as these procedures are, they don't prove a labor shortage. The impracticality of the bumping process may cause this ostensible disparity between supply and demand. Though bonded labor is certified for a temporary period of six months, bonded laborers have been working in the Maine woods continuously for many years, begging the question of whether these wood harvesting jobs are "temporary" at all. The employer may not be highly motivated to replace the bonded laborer for any of the possible

reasons already mentioned. For instance, the employer might well rather pay the skidder allowance for use of the bonded laborer's skidder than buy a new skidder to provide the domestic applicant. The employer may simply not want to get rid of loyal, hard-working employees in favor of a new unknown quantity. The employer may say that the job applicant is not as experienced as the bonded worker and is thus not qualified, (which may be just another way of saying he prefers the bonded worker). Or perhaps, giving the benefit of a doubt to the employer, the applicant may resent the rejection but really be incapable of sustaining the rigorous demands of the job--as one of our sources said: "Not everyone can be a woodcutter." Amen.

Regardless, after being refused several jobs, the applicant may or may not lodge a formal complaint with the Dept. of Manpower Affairs, (though the bureaucratic protocol may dishearten the complainant). And so, Birmingham reports, many woodcutters get tired of registering at the M.E.S.C. and tracking down phony job referrals, decide it's all a hopeless runaround, and give up. Confining themselves to job hunting by word of mouth in the immediate vicinity, these dropouts no longer appear as liability statistics in the M.E.S.C. Job Bank. Absent from the official rolls of the available domestic labor supply, they may still cut wood here and there, or turn to some other means to get by awhile. Contradicting this hypothesis, the Director of the Employment Service Division of the Dept.

of Manpower Affairs reiterates that unemployed woodcutters can't collect Unemployment Compensation unless they do register at the M.E.S.C.

At Washington County Vocational Technical Institute in Calais, there is a six-month training course in wood harvesting technology which currently graduates about 60 students per year. The course of instruction covers skills such as chain saw operation and maintenance, skidder operation and maintenance, basic safety, hydraulic troubleshooting, timber cruising, wood scaling, woods roads layout and construction, and so forth. The final six weeks of the course are spent in a logging camp where students are paid for the wood they cut, allowing most to pay the full cost of their schooling upon graduation. According to school officials, every graduate gets job offers every year, and an informal survey showed a 70% retention rate in the industry after five years of the program's operation. Company representatives have reportedly told the wood harvesting instructors that the industry could absorb even more trained graduates each semester. These indications don't seem to support the allegation that the labor market is oversupplied, and school personnel are optimistic for their graduates' future opportunities.

The Dept. of Manpower Affairs remains pessimistic about job prospects in wood harvesting occupations. In the last study

on manpower projections to 1980<sup>6</sup>, under the category "lumbermen, raftsmen, woodchoppers" employment is expected to drop from 4,390 (1970 estimate) to 2,300 (1980 estimate), resulting in a net loss of 1,430 jobs; (more recent projections to 1985 are not expected to be any rosier). A spokesman from the paper industry, however, criticized the method of making the predictions, basically a statistical analysis of recent market trends. This critic suggested that the technological revolution of the chain saw and the skidder and recently the mechanical harvester as a cause of declining employment in recent years was not compensated sufficiently in the figures, nor were the positive effects of the future product market on labor demands properly assessed.

In direct opposition to the projections of the Dept. of Manpower Affairs, a survey of the industry<sup>7</sup> projected approximately 200 new jobs per year for the next five years, or a total gain of 1000 jobs. Some industry sources have actually been predicting such a revival and growth in the product market as to create a severe labor shortage in years ahead. The recent construction of several new mills in the region tends to support that

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6. *Annual Manpower Planning Report: Fiscal Year 1975*; prepared by the Labor Market Evaluation and Planning Section, Maine Dept. of Manpower Affairs; March, 1974; p. 51.

7. "Survey of Jobs for High School Graduates with Vocational Agriculture and Conservation Education," conducted and distributed throughout the industry by the American Pulpwood Association and the Maine Forest Products Council offices in Augusta; June, 1975.

analysis. Critics of these optimistic industry projections question their validity and suggest they may simply be wishful thinking.

In New Brunswick the Canadian government has reportedly invested \$5 million in a new training program for wood harvesters. With current unemployment among woodcutters in New Brunswick so high, it seems illogical that the Canadian government would sink a substantial subsidy into a new training program if their labor market projections were bleak and discouraging. It is also reported that Canada's paper products market is expected to recover and expand, putting all the unemployed woodcutters to work and also creating a severe labor shortage. If this indeed does happen, conceivably domestic job competition would be abated, and hopefully wages would rise naturally with the labor demand. Of course, this would be the most positive prognosis for the labor problem.

#### O.S.H.A.

One critical factor that reduces (directly and indirectly) the labor supply is the deplorable rate of accidents and injuries suffered by workers in the Maine woods. According to the Occupational Safety and Health Administration, the lumber and wood products industry has the highest incidence of work injuries of any industry in the United States. The wood harvester (especially in the Pacific states) is officially considered to

have the most dangerous occupation in the country, (followed by bank guards, workers who deal with explosives, anthracite-coal miners, electrical workers who climb poles, state troopers, deep-sea and Great Lakes fishermen, and U.S. Presidents).<sup>8</sup>

Congress passed the Occupational Safety and Health Act in 1970, which created the Occupational Safety and Health Administration; (both the federal agency and the legislation are commonly referred to as O.S.H.A.). O.S.H.A. sets safety standards for each industry, conducts on-site inspections to enforce compliance with the standards, and requires that injury and illness statistics be compiled from the records of every employer covered by the law. According to the most recent statistics for Maine, (1974<sup>9</sup>), the injury incidence rate (per 100 man years) was 30.6 for logging camps, nearly three times the average of 10.6 for all industries in the private sector.<sup>10</sup> In actual numbers, a little over 1% of the work force sustains more than 13.5% of the work injuries in Maine; (3,715 injuries out of 27,546 total in 1974). Given the

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8. *Newsweek*; June 10, 1974; p. 64.

9. *Occupational Illnesses and Injuries in Maine, 1974*; prepared by the Research and Statistics Division, Bureau of Labor, Maine Dept. of Manpower Affairs; December, 1975.

10. In the Pacific Northwest, incidence rates for logging accidents are comparable to Maine, (34.7 in Oregon, 39.8 in Washington), though severity and fatality rates there are significantly higher. Reasons commonly cited for this variance are the larger trees in the Pacific states, and the correspondingly larger saws used to cut them. Statistics courtesy of: Planning and Research Division, Workmen's Compensation Board, Salem, Oregon; and the Industrial Safety and Health Division, Dept. of Labor and Industries, Olympia, Washington.

legends about woodsmen continuing to work after suffering injuries the rest of us would consider severe--("Sew my fingers back on, Doc, I've got two hours of daylight left")--it is reasonable to assume that the estimates are very conservative.

So logging is an extremely dangerous vocation, so dangerous in fact that O.S.H.A. designated the lumber and wood products industry as a top priority, one of five "target industries" having the highest injury-frequency rates over the years, in the Target Industry Program.<sup>11</sup> Yet, the regional O.S.H.A. office did not conduct a single inspection of a logging camp last year in Maine: not a one. That is why this report concluded that there was no direct oversight of the logging industry other than through the bonded labor program.

O.S.H.A. is supposed to scrutinize safety conditions in every industry by means of routine, unannounced inspections, but of course such a mission taken literally could conceivably demand a veritable army of inspectors. Whatever inspections do take place are usually the result of urgent requests and demands, from workers in a particular situation, or from union officers, etc. There hasn't been much concerted pressure from within to undertake a comprehensive O.S.H.A. safety campaign in the Maine woods.

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11. Besides the lumber and wood products industry, also slated for priority attention in the Target Industry Program were the roofing and sheet metal industry, the meat and meat products industry, miscellaneous transportation equipment industries, and marine cargo handling.

Last year, there was a proposal to study the nature of woods accidents in Maine submitted by the Human Services Development Institute, University of Maine at Portland-Gorham, to the National Institute for Occupational Safety and Health, (N.I.O.S.H.).<sup>12</sup> This proposal was endorsed by a healthy cross-section of paper companies and contractors and supported by the American Pulpwood Association. There were some reports that the proposal may not have been funded because it seemed one-sided in favor of management. If so, it stands to reason that this obstacle could be overcome, as such a comprehensive safety study would certainly be in the best interest of the worker as well as the industry. Other reports criticized the research rather than action orientation of the proposal. However, there are no accident studies of the logging industry in Maine--which has considerably different conditions than any other area--the rationale for this study being that the *causes* of accidents must be known before preventive regulations can be properly constructed. Finally, some reports alleged that the proposal was not funded because it did not receive strong

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12. "The Analysis, Prevention, and Treatment of Injuries in the Logging Industry in Maine," prepared by the Human Services Development Institute; Center for Research and Advance Study, University of Maine at Portland-Gorham; November, 1975. It perhaps should be noted that the Bureau of Labor Education, though also part of the University of Maine, had no previous knowledge of nor part in preparing this proposal and no vested interest in seeing it implemented. This proposal was discovered while researching this report, and it is recommended only because it's the right idea at the right time, not because it is sponsored by another branch of the University of Maine.

bipartisan political support from Maine. Therefore, this report emphatically recommends that safety research be given cooperative political encouragement at all levels of state and federal government. Whatever the obstacles that have blocked efforts to research and improve woods safety, it is time for the mutual interests of all parties concerned to be concentrated on safety problems and the removal of obstacles to their solution.

Such research is bound to discover useful information that is urgently needed. For example, when accident statistics were compiled from industry sources, (through 1974<sup>13</sup>), the index for logging operations was in the 80's, (on a different scale of accidents per million man hours, rather than per 100 man years as in the O.S.H.A. statistics). Meanwhile, the National Safety Council claimed that any index of over 10 injuries per million man hours was unnecessary in any kind of work. But the index for the major companies responsible for approximately half of the production was in the 20's, suggesting that accident rates among the small contractors might be extraordinarily high. In the State of Washington in the department that is the equivalent of the Maine Bureau of Labor, there are six full-time safety inspectors and an instructor to oversee the smaller logging operations, (leaving the larger operations to O.S.H.A.,

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13. Information (rough estimates) courtesy of the American Pulpwood Association, Augusta, Maine.

the respective labor unions, and the companies themselves).

Whether or not this kind of approach is utilized in Maine, safety is a critical problem, a badly neglected problem, and legislation at the state level offers a legitimate approach to that problem. Perhaps the Maine Bureau of Labor, similar to its counterparts in other logging states and possibly in conjunction with O.S.H.A., could serve as the instrument of safety supervision in the wood harvesting industry in Maine.

#### DISCUSSION

The physical well-being of the woodcutter is not the only grievance of the Maine Woodsmen's Association that reflects the real frustrations and problems of the people who work in the woods. All of these grievances can't be isolated and verified with current data, but as omens they shouldn't be ignored. Though a flooded labor market cannot be conclusively documented, nevertheless if there are actual woodsmen willing to do this rugged work who are refused jobs by employers who in turn are claiming a shortage of domestic labor, then obviously something doesn't work somewhere; (see Appendix A). In what they consider a matter of survival, a group of woodsmen threatens to forcibly drive Canadians out of jobs the woodsmen claim belong to Americans. Aside from the proclaimed issue of Canadian labor, the explosiveness of the frustrations expressed should not pass unnoticed.

At present the antagonism toward Canadians doesn't seem to apply to the immigrants willing to live in Maine permanently, but only to bonded laborers who occupy domestic jobs and to commuters on immigrant visas who keep their families and homes in Canada. The suggested change in immigration laws to prohibit long-distance commuting by immigrants with permanent residence visas is undergoing preliminary study. The format of the amendment has not been determined, nor even the plausibility of legislation. The support that could be recruited in favor of, or in opposition to, such legislation has not been assessed. A new Congress has just convened, a new Administration will take power. Given these circumstances, predictions for the passage of such legislation range from an optimistic minimum of two years to probably longer and don't count on it.

Does the presence of Canadian bonded labor depress the wages and working conditions of the domestic labor force? Perhaps. The Canadian may be more dependent on his job, especially with high unemployment in the provinces. He may be more satisfied with a wage scale that is higher than he would get in the provinces. If he speaks only French, he may be considerably more limited in his employment mobility: the Maine woods may well be a welcome compromise. Thus, he may be more hesitant to challenge his employer and demand improvements. In the case of the bonded laborer, if he loses his job he leaves the country.

A human response to the loyalty and dedication which that dependency would likely produce would be for the employer to likewise develop a dependence on that employee. Under the system that governs most wood harvesting operations, it is possible to favor certain employees and to limit the productive capacity of others arbitrarily. It has been alleged (by the M.W.A., among others) that the Canadians are not inherently better woodcutters, but rather that they are given the best stands of timber, (giving them a vested interest in maintaining the status quo); and further, that dissidents perceived as potential troublemakers are assigned the worst woods lots, or their contracts are reduced, or they are "shorted at the mill" in the estimate of their delivered volume.

If this hypothetical line of reasoning is true in reality, then the answer is yes, the heavy proportion of Canadians, bonded and immigrant, in the Maine woods probably tends to depress and retard wage scales and working conditions.

On the other side of the coin, it has also been alleged that Americans are less willing these days to accept such arduous working conditions, which may be why Canadians continue to occupy many jobs in the Maine woods. This can be looked at from two ways. Maybe the Americans are getting soft. Or maybe working conditions are improving everywhere so that Americans now expect and demand improvements in the most hazardous

occupations. Woodcutting is a hazardous occupation, and it's also plausible that Americans are less willing to suffer these hazards today. The American may be less willing to leave his home and live in a lumber camp and work at a dangerous job for a wage that he feels is kept artificially low. There may be no way to prove that bonded Canadians are at fault for the American woodsman's complaints, but the reasons he may think so are understandable.

There are inherent limitations on the role that the Maine Legislature can and should serve in this controversy. Immigration policy is enacted and determined at the federal level, cautiously, and in this case, in regard to our warm diplomatic relations with Canada. There are only four "receiving nations"--i.e., countries that admit a substantial number of immigrants each year--in the world: the U.S., Australia and New Zealand, and Canada. The new change in immigration law that allows more Canadians to enter the U.S. each year rectifies what many consider to have been an imbalanced restriction. Many Maine citizens are or are descended from Canadian immigrants. It is not likely that this policy will be reversed, returning to lower quotas on Canadian immigrants once again.

The Maine Legislature cannot raise woodcutters' wages nor restructure their working conditions. The Maine Legislature can't always compel various state and federal agencies to function efficiently and effectively. But to do nothing would be to neglect serious problems.

The bonded labor program, at the least, is bogged down by bureaucratic red tape. While the supervision of conditions in the wood harvesting industry mandated by the bonded labor program may be inefficient and ineffective in some ways, it is the only governmental supervision in the logging camps. Paradoxically, as the bonded labor program is reduced, so is the supervision. The Maine Legislature can and should concern itself with studying new protective legislation to fill this void.

Where possible, the legitimate grievances of the Maine Woodsmen's Association should be resolved. If a capable woodsman applies for a job to an employer with bonded Canadian labor, since the law entitles the applicant to bump a bonded Canadian, the law ought to be enforced. But the conflict between American and Canadian woodsmen, and particularly between the M.W.A. and the U.P.I.U., should be considered and ameliorated before real violence erupts.

One step in that direction is the recommendation of this report that a special Blue Ribbon Commission be established to study the conditions of employment in the wood harvesting industry. The problems felt by Maine woodsmen need to be heard and examined, if only to prepare for the problems of the future. If Canadians are going to be an integral part of the Maine labor force for the foreseeable future, American woodsmen must be able to compete equally for the jobs, for the business and the profits, and for the opportunities. This report recommends that assistance

programs be established with the support of the paper industry such as: manpower retraining projects to enrich the skills of experienced woodsmen, giving them the same chances as the V.T.I. graduates; and small business programs to help the Maine woodsmen invest in machinery.

### CONCLUSIONS

After the research of Bureau staff was synthesized and evaluated, the following conclusions were considered reasonably sure:

1. There are many Canadians, with immigrant and temporary bonded visas, working in the Maine woods. The presence of Canadians in the Maine labor force will continue.

Because immigrants are legally considered as domestic workers, Canadian immigrants cannot be systematically discriminated against as a group.

2. It will soon become considerably easier and more expedient for an increased number of Canadians to obtain immigrant visas. Since the immigrant visa provides the Canadian with the same job rights as a U.S. citizen, it is suggested here that bonded laborers who wish to continue working in Maine will tend to apply for immigrant visas, thus diminishing the bonded labor program.

3. The bonded labor program does not provide faultlessly workable machinery to regulate this particularly hazardous occupation, but it is the only machinery currently in full use.
4. An investigation of the various grievances of the Maine Woodsmen's Association reveals that woodcutters have real and serious problems, such as health hazards and occupational safety on the job.

#### OPEN QUESTIONS

Several areas in the research suggested further inquiry but did not yet reveal absolute, objective, undeniable conclusions. The following issues could not be answered definitively in this report:

1. The number of Canadians, bonded and visaed, working in the Maine woods could not be accurately determined, because the occupational classifications of immigrants are not public information.
2. Whether or not the presence of Canadians in the Maine woods has adverse effects on the wage scales and working conditions of American woodsmen could not be scientifically proven one way or the other.

3. It may be feasible to disallow the practice of commuting under an immigrant visa by amending the federal immigration laws. Whether or not the law should be changed is not the province of this report to judge. It is suggested that the practicality of such a measure be further investigated.
4. There are contradictory claims of a labor shortage (requiring the importation of "temporary" bonded labor) and a labor surplus (keeping American woodsmen unemployed). Likewise, the projections for future labor demands are contradictory, with the Dept. of Manpower Affairs projecting a decrease in the number of woods jobs and industry sources projecting an increase in the number of woods jobs for the next five years.
5. Many of the woodsmen's complaints seem to revolve around company price-setting policies for cordwood delivered at the mill. No specific conclusions were made regarding these complaints, but the complaints themselves were corroborated to the degree that they can be regarded as a most sensitive issue. The need for a fair standard of weights and measures is a specific issue before the Maine Legislature that requires decisive settlement.

6. There is no data collected on wage scales and working conditions in the harvesting operations that do not employ bonded labor. Especially for the smaller operations, studies ought to be undertaken to see if there are significant disparities between them and the camps that were regulated and inspected.

#### RECOMMENDATIONS

The following recommendations are presented by the Bureau of Labor Education to suggest ways to deal with the problems confronted in researching this report:

1. A special Blue Ribbon Commission should be created to study the conditions of employment and the problems of Maine woodsmen. This commission might consist of representatives of industry and management, the M.W.A., the U.P.I.U., the Dept. of Manpower Affairs, contractors and jobbers, and neutral parties with no vested interest in the situation.

It is strongly suggested that this recommendation be given priority attention before conflicts and threats escalate into crisis problems.

2. The task of determining comprehensive safety and health regulations protecting all workers in this unusually

hazardous occupation--on report as the most dangerous, statistically, in the nation--should be begun. Research into safety conditions in the Maine woods should be initiated with the cooperative support of legislators.

A committee should be established to study legislation that would replace the limited regulation of the bonded labor program. O.S.H.A. should be encouraged to devote more attention to safety in the wood harvesting industry in Maine.

3. For the duration of the bonded labor program, the bond certification process and the complaint-enforcement process should be streamlined. Authority to manage the program should be centralized locally, within the Maine Dept. of Manpower Affairs and through the U.S. Immigration office in Portland, where the work takes place, rather than distributed to every level of government where interfering decisions can be made by bureaucrats who are removed from the scene of the action. There are reports that Immigration Service regulations are being amended.
4. There should be an official investigation made, probably by the Dept. of Labor or the N.L.R.B., of the charges that M.W.A. members have been subjected to discrimination in hiring, blacklisting, and other unfair labor practices.

Our research suggests that this particular grievance should not be treated as an immigration problem, but as a labor problem.

5. The proposed legislation "prohibiting the hiring of illegal aliens" and establishing penalties for an employer who knowingly hires an illegal alien should be enacted.
6. Programs subsidized by government and industry to assist the Maine woodsman in improving his skills and competitive capabilities in the labor market should be established. Examples of such programs are: manpower retraining programs at Maine vocational schools such as W.C.V.T.I. for older, experienced woodsmen to develop specialized skills that will enhance their abilities to improve and advance; and small business programs that will help Maine woodsmen invest in expensive machinery that will better their position in the labor force and in the business.

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## APPENDICES

- A. Letters from the *Bangor Daily News*
- B. Letter Requesting this Report
- C. *Bangor Daily News* Story Reporting Intra-Union Conflicts
- D. "Nothing to Show but Dead Man's Hands," an article by Diane Lefer on health hazards among woodcutters, published in the April 1, 1975 issue of the *Maine Times*.

## Appendix A

### *In their back pocket?*

Guilford

To the Editor:

After traveling all over the State at the request of the Maine Employment Security Comm. in pursuit of woods jobs held by Canadian residents it would appear that we must take drastic measures or starve to death.

In the past 2 weeks I have traveled over 1200 miles going to woods jobs that advertised for help in the newspapers. I was referred to these jobs by the Employment Offices in Augusta, Bangor and Presque Isle.

About 50 members of the Maine Woodsmen's Association, of which I'm a member, have tried to obtain work in these woods jobs that hire Canadian labor. By law we are entitled to any job held by Canadians if we apply for it.

We went through the proper channels, got job referral slips from various employment offices, had these officials call ahead and insure that they did want help, that they had the necessary equipment and informed them that we were coming.

Not one of us got a single job. Not only were we refused jobs but on the last attempt to secure work the Great Northern Paper Co. blocked the road to the job so we couldn't apply for the jobs.

To add insult to injury they were backed up by several units of the Maine State Police.

So it isn't a matter of just Canadians taking jobs that we need and ask for. It's the fact that paper companies and even our own police banded together to protect this illegal labor.

The President of our group, Wayne Birmingham, of Patten, has worked night and day trying to get our government officials to enforce the law. He has spent hours on the phone just trying to get someone to listen to the facts and to do something about this problem. He has contacted Muskie, Cohen, Hathaway, Longley, numerous state officials and several members of the U. S. Labor Dept. And to my knowledge it hasn't done one bit of good.

The Nader Report was correct and I personally believe that the paper companies run this state, that they have most of our elected officials in their back pocket.

Alton Gordon

### *Report exaggerated*

Lambert Lake

To The Editor:

This is in answer to the article on the front page of Dec. 6 Bangor Daily News that states how the woodsmen are highly paid, who work in the woods cutting the lumber.

I know for a fact this statement that the cutters earn between \$14,000 to \$16,000 per year is highly exaggerated. They are lucky if they make \$10,000 per year. The skidder operators might make more but they have to pay for their machinery and upkeep of their skidders and these are usually high payments.

I suggest you ask the paymaster of the Georgia Pacific what the average woodcutter makes. It will be a lot less than this reporter stated in the paper.

Most of the cutters around here qualified for a second refund from the income tax because their wages were so low last year.

Therefore I know this statement is not true.

Also they have layoffs two or three times a year, for one thing and another.

The woodsmen work hard, and sometimes in very poor chances and have to cover large areas, to yard out their wood.

I think that this reporter did not get the facts right.

Patricia Beach

### *Poverty State?*

Atkinson

To The Editor:

I have read many "Letters to the Editor" concerning economics, taxes, politics, M.W.A., and Canadian labor. It seems fitting that all are closely related to the welfare of Maine people. It seems strange that Maine's youth leave the state to work, when alien labor both legal and illegal are employed, also when the unemployment of 7.9 per cent and some places 20 per cent, with one of the lowest income per capita in the nation. We have one of the richest wood resources in America, our chief source of dollars. Ralph Nader said "PAPER PLANTATION"; it must be so, I didn't hear anyone deny it.

The Vocational Forestry Schools graduate skilled workers, I wonder where they work? Certainly not in the Big Woods, they won't hire you. I tried four (4) times just to convince myself.

MAINE IS CALLED THE Pine Tree State, the pine tree states are in the South. Maine is sometimes called the Potato State, we come only after Idaho, Washington, Oregon, and California. Maybe after all of our timber is trucked across the border to subsidized Canadian mills, and our dollars, earned here but spent there, by Canadian bonded and visa labor, we could truly be called the "poverty state."

Melvin Ames Sr.

## Welfare or woods work

Guilford

To the Editor:

The recent series of articles by Dennis Mills published in your paper would indicate another whitewash by the paper companies.

Unless future articles do a complete about face, we will have to assume that the entire investigation done by this member of your staff was directed, funded and tuned to the music of the paper companies.

We of the Maine Woodsmen's Association were led to believe that Mr. Mills was going to do an impartial investigation of the entire pulp and paper industry.

It would seem from the articles to date that the paper companies rolled out the red carpet for Mr. Mills, opened their books to him, showed him what they want the public to believe, told just one side of the story and figured that he was dumb enough to buy it.

He states that there aren't enough Americans that want to work in the woods. He states that the men who are working on these jobs average from \$12,000 to \$16,000 a year. Now I'd like to add a few things that he forgot to mention.

First off there are plenty of us who would like to work in the woods. We are only working part-time because we can't sell our wood. The market is flooded by wood being cut on paper company land by Canadian labor.

All of this big money that is being made in the woods is going directly to Canada every Friday night. They don't pay any taxes here. They don't buy anything here. They bring their equipment here from Canada. So where does the public profit?

Our recent meeting of the MWA indicated that there are three choices open to us. (1.) We have been, and still are, trying to get this thing straightened out legally through the courts and our representatives. (2.) In the event this fails we have only two routes left open. We can go as an entire unit, 1,200 to 1,400 members, and apply for welfare. Let the public take care of us until they decide to get rid of the Canadians and give us the right to work.

This isn't a joke. We have discussed this very seriously and it could become a reality in the very near future.

The third and final alternative other than let our families starve is for us to meet the Canadians at the border some Monday morning and settle it once and for all. This too has been discussed very seriously.

Members of our organization have been to hundred of jobs where Canadians are employed and to date not one of us have been given a job. Now can Mr. Mills tell us this side of the story?

We've got a bad welfare problem in this state right now and if the elected officials don't get off the spot pretty soon it's going to get an awful lot worse.

In closing I would suggest that a few more people should talk to our president, Wayne Birmingham, (Mr. Mills included), and find out what a snow job the public and the woodsmen are really getting from Mr. Nader's Paper Tiger.

We went to the employment office in large groups to ask for jobs. We didn't get a one. "Next," we will probably be going to the welfare office in large groups. Why should the tax poor citizens of this state have to support us while the Canadians are down here getting rich and taking the money home?

A. London

## More facts should be told

Princeton

To The Editor:

After reading your article by Dennis Mills on the Dec. 6 front page, I finally realize that what many of us had thought all along is true. The paper companies which control so much of Maine control free press as well. I know Mr. Mills gets his information and statistics from the paper industry; but, he only told about one-half of the story.

He neglected to tell that many woodcutters work for private contractors that have no group insurance or other benefits.

He also neglected to tell about working conditions, of 30 degrees below zero in winter, and, of rain and snow that keeps men from working many days.

He did not tell of the high rate of spring unemployment, because, the companies have the wood they need by frost time in the spring, and until dry weather resumes in the summer the cutter is just another piece of machinery left to rust away.

Mr. Mills does not tell how much money the average cutter must pay out for chain saws, repairs, fuel, etc. every year. I know from personal experience that this figure can run into thousands every year.

The paper companies keep telling vocational schools and the labor market that they need cord cutters badly!

It makes one wonder, if the conditions are good and the pay is so high, why isn't everyone doing this for a living?

Could it be because it takes one really tough kind of individual to put up with it all?

Boyle H. Worster Jr.

Former inst., wood harvesting  
WCVT

President Cord Cutters Local

111

*DS*

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Appendix B:

October 19, 1976

Charles O'Leary, Director  
Bureau of Labor Education  
University of Maine  
Orono, Maine 04473

*Imp. [unclear]  
Bentley  
[unclear]*

Dear Chick:

As chairman of the Joint Select Committee on Forest Resources, I hereby request that you undertake a study of the Canadian labor market as it relates to the forest industry of Maine. The Committee is particularly interested in proving or disproving the allegations made by a number of American woodcutters that Canadian bonded and viza laborers are taking jobs that would otherwise go to American laborers.

If you have any questions, please contact me.

Very truly yours,

*[Signature]*  
Douglas M. Smith

DMS:rc

# Union cautions woodsmen

By Christopher Spruce  
NEWS Presque Isle Bureau

PRESQUE ISLE — A United Paperworkers International Union representative has said his organization does not intend to have its members pushed around by the Maine Woodsmen's Association.

Eldon L. Hebert said Wednesday that if the Woodsmen's Association does as it has threatened and attempts to "physically remove" Canadian woodworkers from

the woods, court action would be initiated to collect lost time from whoever is responsible.

The Woodsmen's Association president, Wayne Birmingham, had said earlier this month that his organization might attempt to physically force Canadian woodsmen from their jobs, which he and other Maine woodsmen believe rightfully belong to them.

Hebert, who has been working for the Paperworkers Union in attempting to

organize all woodcutters in Maine, said the union would not allow any other organization to use force against any of its members.

In addition to going to court over lost wages, Hebert said the union does not intend to sit by and see any of its members get pushed around or hurt.

Stating that the Woodsmen's Association has said it would use force if necessary, Hebert said, "Force can be used by other people also and then it  
(Cont'd. on Page 2, Col. 1).

## Court action threatened if Canadians pushed out

○ from page 1

becomes a question of who has the most force.

"I don't believe that a group of people has the right on their own to drive by force anybody from this country. And if the law officials in this state do not put a stop to this, then it could very well become a question of force."

The Paperworkers official, who claims about 1,400 American and Canadian woodsmen in Maine have joined his union since organization efforts began, suggested the Woodsmen's Association has to realize that the union represents a lot of woodcutters and that every week more join the union.

Hebert said that under the law an

American woodcutter has the right to bump a bonded Canadian woodcutter of a job in the state, if the American needs a job.

"They don't have to use force," he said. "The law is very clear."

Even if all the Canadians were sent home, Hebert said, "It would not change a thing in the woods. The changes that have to be made in the woods will have to be done over the bargaining table and with the land owners. The woodcutters hitting each other over the head is not going to solve anything."

The Woodsmen's Association voted Tuesday to strike St. Regis Paper Co. in Bucksport if the Canadian labor crews there did not leave.

# The Maine woodcutter



## Nothing to show but dead man's hands

*"Lumberjacks? Why write about something people aren't interested in? People are interested in energy."*

*— a well-dressed publisher*

**P**AUL BUNYAN needs a new coat of paint. That's what concerned citizens say, but his shabbiness, as he towers in front of Bangor's Municipal Auditorium, is appropriate. Maine's loggers are no longer folk heroes; they are poor, and they are forgotten.

Ask a man who works at Penobscot Poultry what he does for a living, and he'll tell you he's an eviscerator, a cropper, a lunger. Ask a woman at Viner Shoe, and she'll tell you she's a hand-sewer. But ask a Maine logger his occupation and he'll tell you he works in the woods.

Bangor's heyday as Timber Capital of the World is long gone; the days when the finest loggers from coast-to-coast were born in Maine and bred on the West Branch of the Penobscot are over, and so it would seem are the days when Maine people revolutionized the lumber business with their inventions and their courage.

The center of industry moved west and progress has been slow in filtering back to the Maine woods. Ask a logger in Oregon what he does, and he has a specific name for his profession: he may be a faller, a choker-setter, chaser, riggin' slinger or a yarder engineer. The Maine logger does not have so clear an identity.

In French, however, he is a "bucheron," a wood-

cutter, a proud man with a love for the woods. Most of the men in the woods do speak French, whether they are Franco-Americans or bonded workers from across the Canadian border. Many woodcutters feel that outside of the woods and away from the Franco community, the bucheron's existence is barely acknowledged. Through the Allagash, in camps by the Canadian border, Maine's woodcutters are beginning to grumble, to talk to undercover labor organizers, and to start thinking of the rights their colleagues in the American West have long enjoyed.

West or East, loggers share the distinction of working in one of America's most hazardous occupations, recently marked for special attention under the federal Occupational Safety and Health Act (OSHA). In Maine, the accident rate for woodwork is greater than for any other kind of labor.

Accidents in the woods are serious. A widow-maker, or dead branch, may crash down and split open a man's head. A chain saw may slip or kick back and tear through a leg. And when this happens, rather than receive immediate medical attention, the injured worker is loaded onto the back of a truck which goes bumping and rattling over the dirt roads for hours towards some distant town where a doctor may be found.

Only the most severe and obviously job-related injuries make it onto accident reports. Other, more subtle physical dangers face the men in the woods, and these dangers are aggravated by public ignorance.

Jean-Paul's story is typical. "Look at my dead man's hands," he says, holding up fingers that look like wax or marble. "I went to the doctor. He says I'm just

getting old." The first couple of hours on the job in the morning, Jean-Paul's fingers go numb and swell in painful spasms. He knows another logger whose hands stay "frozen" right up to the wrists. The man can no longer work.

Describe Jean-Paul's symptoms to anyone in the woods and ask if he knows anyone with the same symptoms. Chances are, he'll point to his own calloused hands.

Jean-Paul has Raynaud's disease, a condition caused by damage to the blood vessels in the fingers and to the nervous system. While most men in the woods have the disease, its severity varies widely. For some men, the effects go no further than an occasional strange pallor of one or two fingers. Others suffer extremely painful and disabling attacks in which the hands turn white as marble, then purple, then black. In the most severe cases, gangrene sets into the fingers.

Despite its prevalence among the woodcutters, Raynaud's disease has gone widely undiagnosed in Maine. Even when the symptoms are recognized, it seems Maine's physicians rarely stop to wonder why this uncommon condition should be so widespread in the woods.

In contrast, Raynaud's disease has long been studied by medical authorities in the timberlands of Scandinavia, Britain, Australia, and Japan. The verdict has been the same: Raynaud's disease is a common occupational disease among woodcutters, aggravated by exposure to cold, and caused by the heavy vibrations of the chain saw.

Not only does the saw cause the condition, it escalates an attack's potential for damage. Affected fingers may become clumsy, cramped, and unresponsive

so that the logger is no longer in control of his saw, a lethal piece of equipment. Psychologists point out the danger by running manipulative dexterity tests on chain saw users. One former timberfaller, now disabled due to accidents, explains the problem more graphically: "There were times I'd get a hold of that 73 McCulloch and I couldn't let go of it."

Ironically, Maine might have been in the forefront of research in this field. The Australian physician who first hypothesized the link between Raynaud's disease



and the chain saw cited correspondence from a Dr. A.W. Squires of the Veterans Administration Center at Togus when he wrote up his findings for the *Medical Journal of Australia*. Was Dr. Squires beginning to investigate the condition among Maine's loggers? We may never know. He died following his retirement in 1969, and at Togus today there is no record of any such research.

Labor organizers now slipping through the Maine woods are trying to fill the information gap and do a doctor's job, telling the young loggers that the disease can probably be avoided by the use of one of the newer model saws, imported from Sweden, which are equipped with vibration-free handles. For loggers who are already afflicted, there's not much to say. The condition is irreversible.

From the health standpoint, the chain saw is not an improvement over the logger's old ax. Raynaud's

disease is not the only subtle damage inflicted on the logger's body by the saw. Its frequent, prolonged use also causes damage to the bones and joints according to studies carried out in Japan and Finland. The result is a decreased ability to move the wrists, a serious loss to a man who earns his living with his hands.

There's more. Albert DuBois was unable to work for a whole year because he couldn't stop hiccupping. The doctors knew the hiccoughs were caused by an ulcer, but no one stopped to ask what caused the ulcer. Said another logger, twenty-five years old, "I get frustrated, but I never thought of myself as the ulcer kind of person." When his ulcer was diagnosed, self-doubt was heaped on top of physical discomfort. "It made me wonder about myself," he says.

Ask around and you'll probably conclude that loggers have more ulcers per capita than business executives. Why? The constant danger? The bills to pay? There may be another reason. Some experts in the field of occupational health believe that exposure to extreme noise puts the body under stress, and that noise stress can cause ulcers. A chain saw is noisy enough to cause permanent hearing damage — another occupational hazard — so it's not surprising that ulcers are found among even the most low-key loggers. Not surprising, but not acknowledged either.

**T**HE BUCHERON gets still another medical bonus in the form of hemorrhoids. Loggers don't discuss hemorrhoids often, but when they do, many guess that they are universally afflicted because the woods are freezing, the camps are bitter cold, and the low temperatures keep the men constantly constipated.

Loggers in the Pacific Northwest have ulcers too, but the labor movement that burst forth in the early part of this century did away with the worst abuses like the unsanitary, ill-equipped bunkhouses hidden away in camps where visitors, always suspected of being agitators, were not allowed. Visitors are still not allowed at the logging camps in the Allagash, where one logger described his home away from home as "so

bad, even rats won't live here." (Notable exceptions are the camps provided by Georgia-Pacific; they are clean and comfortable and include recreation areas.) Today, the Pacific coast logger drives each morning to a central meeting place, such as the mill. He is then transported to and from the jobsite at company expense in a crew bus, or "crummy." Some crummies even provide door-to-door service.

The U.S. Department of Labor estimates that 3/5 of the west coast logger work force is covered by a union contract, but even the non-union workers are better off than Maine's bucherons. As one non-union logger explains, "We don't have to join. Just the threat of unionization keeps the wages up."

There are no unions in the Maine woods. Maine industry is largely unorganized so this would not be so surprising were it not for the unusual strength of labor unions at the other end of the pulp and paper business: the mill.

It's a widely held notion in Maine that the State's woodcutters don't need unions because they are already well-paid; everyone knows of loggers who have earned \$260 in a week. But the fact is that the prosperous logger is about as true-to-life as Paul Bunyan.

The woodcutter's economic position is precarious at best due to the peculiar nature of the timber business in Maine. The invisible bucheron never turns up on the International Paper payroll. The prospering pulp and paper companies avoid all direct contact with the men who cut the trees. Instead, the companies give contracts to small jobbers who agree to log specified stands of timber. The jobber is usually a local man who often operates on a shoe-string. With monthly payments always due on his expensive logging equipment, such as his \$20,000 skidder, the jobber has a serious cash-flow problem and is forced to accept whatever payment the company offers for the wood he delivers to the mill. His marginal profit in turn prevents him from paying decent wages to the woodcutters he hires to fall timber on a piecework basis. There is no minimum wage in the woods.

(continued on the following pages)

Piecework means the woodcutter is paid approximately \$5 for each cord of merchantable wood he cuts. [The jobber, who owns the equipment, gets the difference between the \$5 he pays the cutter and the



\$24 to \$35 a cord the mill pays him at its gate.] If he is young and healthy and working a "good chance" or high-yield stand of timber, the woodcutter may earn the \$260/week before taxes that workers in the clearing point to enviously. But piecework also means that he gets no pay at all for time and energy spent in preparing a site or clearing away dead or rotten wood. For the logger who gets assigned to a work area where trees are undersized or diseased, piecework means that his best efforts will not assure him of netting anything resembling a living wage. When it is rainy and muddy,

work in the woods comes to a halt, and then no one gets paid.

**P**IECEWORK has also been called the single most dangerous aspect of woodwork, as men omit time-consuming safety precautions and work at hazardous speeds. At \$5 a cord, the woodcutter cannot afford to slow his reckless pace. Whatever the week's earnings may be, the logger has exceptionally high work expenses. He provides his own transportation to remote forest tracts. The logging roads are primitive, so to reach his jobsite he must drive a pickup rather than a car. The logger's truck takes a beating on those dirt roads; by the time it is paid off, it is also broken down. The logger must also provide his own work equipment. The low piecework pay rate is usually supplemented by a small allowance, or "saw rent," of approximately 50¢ a cord which is supposed to represent the worker's expenses in owning and operating his chain saw. A recent survey of bucherons in the St. John Valley revealed that men were spending an average of \$3000/year to keep their saws supplied with chains, gas, and oil. Poverty does not have to be a fact of life for loggers, as Elmer Green, a veteran woodcutter in Tidewater, Oregon can tell you. "Did you say \$250/week is good pay?" he exclaimed. "I've made that much in a day." While some loggers in Oregon are still paid on a piece-

work basis by the bushel, companies generally pay a daily rate. "You get paid \$90 to \$100 a day now, which is about what I averaged when I was busheling," says Green. The company Green works for pays saw rent which represents only depreciation on the saw itself. The gas and oil to run the saw is furnished on top of that at company expense.

About half of Oregon's loggers work for independent contractors called "gyppos." Contractors tend to offer lower pay and less job security than the established companies, but still pay fairy-tale wages by Maine standards.

In the end, Maine's logger has a better chance of winning the state lottery than bringing home good and steady money, let alone equaling West Coast wages.

The piecework system is generally recognized by loggers as one of the most serious obstacles against decent labor conditions. The demand for a secure, fixed wage is heard from camp to camp, but no change is yet in view.

The man who works for wages is "less used up," than the man who is paid by the cord. "He may be able to continue working past the age of 40." That was the chilling comparison made by the association which represents the bonded French-Canadian bucherons from across the border who work in the Maine woods. As it currently stands, "You don't see old faces in the woods," agrees an American organizer. In effect, the bucheron is forced into early pensionless retirement with a broken down body when he should

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be in the prime of life. His life in the woods has not equipped him with transferrable skills. There are few supervisory jobs in the Allagash; the marginally educated bucheron is not likely to land one.

The inevitable early deterioration of the logger's strength is another reason it is to the worker's advantage to work for a large company rather than a jobber. The company logger who gets injured or used up in the Oregon forest has also built up seniority. He is usually given priority for a light, sitdown job in



the company mill. It means a substantial cut in pay, down from \$100/day to \$35 (\$175 per week), but loggers agree it beats not working at all. The bucheron does not have this option. Neither is he likely to have savings to fall back on after years of low earnings and

high expenses; he's probably still paying off his newest pickup.

The woodcutter soon learns he has no place to turn. When he finally gives up his fruitless attempts to work and applies for disability benefits or relief, he is frequently denied assistance. Unless he has suffered a specific and severe injury that has left him obviously disabled, he's got an uphill fight. As one long-time timberfaller explained, "When a faller gets disabled, it's usually not so much the result of one accident as it is a little bit of this trouble and a little bit of that and some more of another." It's not easy to prove that a man is not malingering but that a little of this and a little of that all combine to prevent him from working. The heavy work in the woods also leads to a lot of back injuries which are also difficult to prove. "Don't ever hurt your back" advises one logger, ruefully. "No one will ever believe you." And once again, public ignorance becomes a roadblock against a secure financial future for the logger. Until the occupational origin of his ulcers, Raynaud's disease and arthritis have been more widely accepted, the bucheron has little chance of obtaining financial relief through the Workmen's Compensation program.

At this point, the woodcutter of Maine can hardly even imagine a future with a decent wage and a healthful workplace. What he has begun to do, however, is to talk, to try for the first time to let the public know what he is and how he lives. For what

he understands aside from the sad economics of his position, is that his lot will only improve once he is regarded as a man and a worker, and not as a legend.

by Diane Lefer

(This is the first in a series of articles on the Maine woodcutter.)