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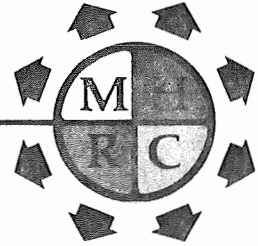
**Report to Governor Kenneth M. Curtis
On Conditions in Migrant Blueberry Camps
August 1974**

**Submitted by
The Maine Human Rights Commission**

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TERRY ANN LUNT-AUCOIN
Executive Secretary

September 12, 1974

The Honorable Kenneth M. Curtis
Governor
State House
Augusta, Maine 04330

Dear Governor Curtis:

Enclosed is the full report of the Maine Human Rights Commission on the investigation of labor camp conditions in Washington County.

We have slides and film available to assist inspectors in their work.

If further information is needed, please contact us.

Sincerely,

Terry Ann Lunt-Aucoin
Executive Director

TAL-A:maf
encl

HISTORY OF O.S.H.A. AND

STATE REGULATIONS

It is my understanding that a state enforceable O.S.H.A. law, drafted by Walter Corey and Jim Mitchell, is now in a legislative study committee.

The national politics surrounding state vs federal enforcement responsibilities are tied directly to union politics on the national level.

However, since 1956, the Maine Legislature has a history of interest in labor camp conditions for local industries.

There is an April 4, 1956 study on Logging and Pulpwood Camps; there were hearings held in March, 1965, in Presque Isle before a House of Representatives general sub-committee on labor; there is a 1966 report on Maine Farm Labor; and a 1967 Maine Seasonal Employment Interim Report which gave direct rise to Public Law 1969, Chapter 554.

It appears unclear at this time whether or not Federal O.S.H.A. standards pre-empt state regulations governing the same area. The Maine Human Rights Commission attorney, general counsel for the Department of Labor in Washington, D.C., do not necessarily believe that this is a fact.

The O.S.H.A., Concord, office director, believes that a regular inspection of labor camps could (qualitatively) be arranged with the Department of Labor.

We would recommend, at this time, some combination of state and federal cooperation for enforcement of minimal standards, until further clarification from the legislature is available.

September 3, 1974

The Honorable Kenneth M. Curtis
Governor
State House
Augusta, Maine 04330

Dear Governor Curtis:

Enclosed, please find the press statement of Executive Director, Terry Ann Lunt-Aucoin, August 28, 1974, which delineates the finding of Human Rights Commission investigators of labor camp health and sanitary conditions in Washington County blueberry barrens. A full report will follow within two weeks.

The Commission staff and Commissioner Wayne Newell visited encampments known locally as Schoodic Lake, Grant's and the Airstrip. These camps housed a total of 800-1,000 persons. We do not have knowledge of the owners of these camps.

On Tuesday, August 27, Executive Director, Terry Ann Lunt-Aucoin, returned with Rep. Frank Murray, Rep. Gerald Talbot, Denis Violette, Mr. McNulty and Mr. DePew from the Diocesan Bureau of Human Relations. They were accompanied by cameramen from WABI, WGAN-TV.

The original intent of the Commission's recommendations was to spur legislation to regulate health and sanitary conditions of labor camps for non-bonded laborers.

Since Wednesday, August 28, we have been contacted by at least one orchard owner who has invited us to tour his labor camp; he uses bonded labor; we believe the contrast will be enlightening.

In addition, I have enclosed copies of Maine Public Laws, Statutes and regulations, as well as Federal Law and regulations regarding health and sanitary standards of labor camps for agricultural workers.

Enclosure #1 are Rules and Regulations promulgated under authority of Public Laws, 1969, Chapter 554 (Enclosure #2)

Enclosure #3 is USC Title 29 §667 regarding state jurisdiction.

Enclosure #4 is USC Title 29 §672 regarding grants available for state agencies to assist in the promulgation of state regulations.

Enclosure #5 Title 29 §651

(b) (11) declares it to be the intention of Congress that

OSHA and the Secretary of Labor encourage States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health ... to improve the administration and enforcement of State occupational safety and health laws ...

Enclosure #6 is CFR 1910.142 regulations governing temporary labor camps.

Commission staff has television film available, as well as slides and still photos which they will make available for state and federal regulatory agency personnel. Further, Mr. Stephen Aucoin, who without compensation investigated for the Commission, would probably be available, upon your request, to guide appropriate inspection personnel to the Washington County labor camps.

State police officers in the area were helpful and cooperative and were informed that staff would be touring labor camps.

We thank you for your support and quick action.

Sincerely,

Timothy P. Wilson
Chairman

Terry Ann Lunt-Aucoin
Executive Director

TAL-A:bpw
Encl.

Introduction: The Decision to Investigate; A Means to an End.

A number of reasons were involved in the decision of the Maine Human Rights Commission to look into the possible exploitation of agricultural workers in the blueberry industry in Washington County.

The first was a five year old report on migrant labor done by two law students for Pine Tree Legal Assistance, Inc., the federal anti-poverty law program. The report itself only touched upon conditions in the blueberry fields, paying most of its attention to the migrant potato-picker situation in Aroostook County. However, enough about the blueberry situation was alluded to to see a rather dim picture developing.

Secondly, there is a bit of common knowledge floating around the state which people in social service work often run into. It is a matter of "knowing" and "hearing" that a number of Indians migrate each August to pull in the blueberry crop over a maximum five-week, minimum three week period. In addition, members of the Maine Indian community confirmed this "common knowledge" as being true although they did not know the particular conditions or tribes now involved.

Finally, there is the act which created the Maine Human Rights Commission. Its policy statement (Title 5 Sec. 4552) declares: "To protect the public health, safety and welfare, it is declared to be the policy of this state to keep continually in review all practices infringing on the basic human

right to a life with dignity, and the causes of such practices, so that corrective measures may, where possible, be promptly recommended and implemented...."

With all this in mind, Howard Foster, a Commission investigator, and Stephen Aucoin, an investigator and free-lance writer who has worked closely with Foster in the past, were sent to Cherryfield to work in the blueberry fields and to assess the situation. Perhaps one major stumbling block at the outset was the unwillingness of local residents to answer questions posed by strangers, but after two days, this was fairly well overcome.

The Problem: A Short Season and a Moving Population.

With the blueberry harvest season lasting only the month of August (perhaps a few days more or less) and investigators arriving on August 19, the time for investigation was sorely limited. Three weeks, at least, should have been spent to unearth all the ramifications of the blueberry harvest system and how it treats Indian pickers who flew down from Canada at the beginning of summer's hottest month. Most of these are Mic-Mac Indians from Nova Scotia, although there are some Maliseets, Passamaquoddies, and Penobscots who also pick. In addition, there are some white college students and people who identified themselves as French-Canadians.

Most of these are housed in migrant encampments in a area known as the Barrens which flow through Deblois, Columbia, Townships 19, 18, 17, etc. (see enclosed map). One of the greatest problems is the ability to find a great number of the camps in which these people live. Even the State Police assigned to the area are "not sure" where all the encampments are located. The Commission's staff concentrated efforts in the Deblois-Columbia-Cherryfield area where they found ten encampments. These were

clusters of eight to twelve shacks, most of which were tarpaper-covered and measuring no more than ten by eight feet with a peak height of six feet. There were some shacks which were larger and some newer shacks made of particle board and having a peak height of eight feet. However, fully ninety per cent of these shacks were of the tarpaper variety. These shacks as well as health and sanitary facilities were the focus of inspection.

It might help if, at this point, we injected some observations on the social and economic system which prevails in the blueberry harvest area. The Indians, by and large, pick on land owned by either Jasper Wyman and Sons or A.L. Stewart. These are where the migrant camps are located. Few if any locals pick with the Indians, although a number serve in supervisory roles as field bosses, truck drivers, etc. The local people tend to work daily in fields owned by local people who must sell their crop to either Wyman or Stewart. Our investigators, when seeking raking jobs, were directed to operations in fields owned by local people. However, this was very helpful to them as they learned a great deal from the people with whom they were picking in regard to the Indian situation and the economic structure. In the area where they picked, the investigators were paid \$2.50 for every half-bushel box they raked and winnowed. There was no bonus or season long increased pay system. It was just the flat-rate system. The crop in these areas was as plentiful as that in most of the Barrens, since very little of that area is under irrigation, but the pay in the Barrens was \$1.50 per half-bushel, supposedly because the crop provided better raking. In fact, this turned out to be untrue in most of these areas. Most fields owned by locals are handled, from an agricultural standpoint, the same way the greatest percentage of the Barrens fields are. They are burned.

They are sprayed with Guthion. They are cut regularly.

The Barrens situation differs from the local in the critical respect that this is where the migrant labor is quartered and apparently expected to work. Each of the encampments contains an average of eight to ten shacks, whose size and description are noted above. In each of these there are quartered anywhere from four to ten people (in a few cases more) who complained of assorted vermin and no real protection from the elements.

Right away, the problem of legally required space per individual rears its head. Regulations promulgated by the State Department of Health and Welfare under authority of Public Laws of the State of Maine, Title 22, Section 42, require "35 square feet of floor space for each occupant with a ceiling height of not less than seven feet." In no case that the investigators saw or heard of was this requirement met. In fact, the allowed space in most cases appeared to be half of that required by law.

Many of the camps also had no windows. Some did have windows but the residents insisted that they had obtained the screening to tack over the windows. This again represents, if true, a direct violation of Health and Welfare regulations.

Most of the floors in the shacks were made of wood with some being of dirt. However, none of these floors appeared to be "raised at least one foot above the ground," as required by state regulations. In addition, none, other than the few newer, larger camps, were "so constructed as to provide protection from outside weather elements and to permit their being readily cleaned (Sec, 18.4.1, state regs.)."

Some of the shacks in which migrants were quartered contained old wood stoves constructed of tin. These stoves and their tin chimneys as well were rusted and worn and often full of holes so that many residents

refused to use them for fear of fire. So in most cases there was no heat at all. The warmth of August and the body heat generated by the overcrowding of the shacks seemed to alleviate any real need for artificial heat, but an August with colder nights and proper sized housing might make artificial heat a necessity. And once again, state regulations require that "adequate heating facilities with fuel shall be provided for labor camps with which employees may maintain at least a 65 degree temperature, as weather conditions may require (18.4.5)."

These regulations further require that an acceptable means of artificial illumination be provided, but no where in the camps was there any electricity. The only light was provided by means of lighting which the Indians brought themselves. Certainly, the town of Deblois has only had electricity for the last fifteen years, but the requirement for some sort of "artificial illumination" is still there under the law.

As the situation now exists, the only light and heat the Mic-Macs have is that provided by fires which they burn nightly in ground pits covered with some sort of wire mesh. The wood is eight-foot mill slag provided by the contractor.

There are no cooking facilities other than those ground fires and an occasional Coleman stove brought by the migrants. Most food is canned food, bought in Cherryfield and cooked in pots over these open fires. Since there is no possibility of food storage on any sort of long or short-term basis, canned food or daily trips to town must be relied on to feed entire groups. Most rely on canned food since a daily ten or more mile trip for fresh provisions would deplete the pickers' meager earnings even further.

While there are no provisions in state law to require hot meals or facilities for preparing them as well as storage of food, there is every indication that this should somehow be provided for.

Water is a life essential which was rather loosely provided in the situations which the investigators and others observed. While the spring water provided is apparently of a good quality, the water is often located hundreds of yards away from campsites and down steep embankments which makes return portage of water very difficult during the daytime. The portage of water at night is almost impossible because of the distance of water supplies and the steepness of inclines. There are no water containers or taps provided in the camps and everyone must arrange for the storage of their own water supplies. Health and Welfare regulations again exist to cover this situation, although they are minimal. They require that "an adequate source must be located and protected in a manner satisfactory to the Department" and that "all drinking water containers shall be kept clean and free from contamination...." Here, the problem seems to be lack of definition. What is an adequate water supply? Several springs serving sixty or more people were very small and shallow and were muddied by the slightest disturbance. Are water containers cited to be required or are the optional? Do the regulations which insist that "containers shall be kept clean and free from contamination" extend to the water sources themselves? After all, the springs are not "protected" as the Department requires.

A final point is very crucial here--and very ominous. A deadly chemical spray named Guthion is used to spray the blueberry fields to prevent insect damage to the crop. Water tests conducted in the past

(at least 4 years ago) by the State Planning Office have revealed tolerable levels of arsenic in the water supplies. However, the Occupational Health and Safety Administration has recently found, through reports by Allied Chemical Corp. and Dow Chemical Corp., that inorganic arsenics can cause fatal lung and lymphatic cancers among arsenic exposed workers in the chemical plants. Their rate of contraction of these cancers was seven times the norm. Given a five week period in which the migrants, many of whom are children, are drinking the water daily, what are the long term effects of the arsenic-based Guthion, much of which finds its way into the springs. When one multiplies five weeks by the number of years many of these pickers have been coming down to the Barrens, the possibilities are ominous and certainly of real concern.

Two years ago, an apparent misspraying of the chemical Guthion by a crop dusting plane is thought to have caused the death of 11,000 trout in the Deblois Fish Hatchery. However, the State Police officer who was part of the team investigating that incident said that they could never offer any conclusive proof that the spraying was the culprit.

One more point about water supplies is also essential here and points out the callousness of the employers. The Indians could bring their own water into the fields, but since there is no way for them to obtain and store ice in camp, the water they would bring would turn warm within an hour under the August sun. Therefore, to obtain something cold and wet they have to deal with a man they call "the bootlegger." This person, a Mic-Mac himself, brings cold beer and charges one half-bushel box of berries for two cans of beer. Without lifting a blueberry rake, this "entrepreneur" was able to turn in 60 to 80 boxes of berries per day to the field boss while the best rakers were turning in 20 to 25 half-bushel

boxes. Available water in the fields would certainly alleviate this rather shameful situation somewhat.

One of the major concern arising from our investigation was the lack of sanitary facilities in the encampments and in the fields. At most, there was a single outhouse per encampment (10-12 shacks) or one outhouse for every 50 to 70 people. One Indian who had been coming to pick for seven years insisted that the outhouse in his encampment had not even been moved for five years. Human feces was almost to overflowing. There was no lime at all to attempt to kill off breeding germs. No one we talked to in any of the encampments would even consider using the outhouses. However, many were directly uphill from the water supplies and even if they weren't would pose a genuine health threat in warm weather.

Health and Welfare regulations are very explicit in regard to toilet facilities, stating: "toilets shall be provided in all labor camps at least at the rate of one toilet for every 15 employees or fractional part thereof for each sex and the construction and maintenance of such facilities shall comply with Section 6 and/or Section 8." (same. Construction and Location of Toilet Rooms and Privies and Other Closets Without Flush). The standards are already set and this is certainly one area where maximal compliance must be forced.

In some areas, there were not even attempts to feign an outhouse. There simply were none.

In addition, there are regulations concerning "Disposal of Waste and Sewage (18.9)" which are not at all complied with in any of the encampment areas.

One other area of concern is washing facilities, none of which are supplied. The Indians usually wash off the day's sweat with wet rags or go to a stream a half-mile from one encampment; the Narraguagus River, a couple miles from some other encampments; or Schoodic Lake, which is five miles from some camps and a half-mile from others. State regulations as promulgated by Health and Welfare are very specific, since they require under Section 18.7 that "washing and showering facilities shall be available in all labor camps in the ratios set forth in Section 9.2 (one wash basin per 15 employees) and 9.8 (one shower for every 15 employees "when in the judgement of the Department they are necessary to protect the workers who are exposed to excessive dirt, heat, or skin contamination with poisonous, infectious, or irritation materials.") and shall comply with all other requirements under Section 9.

It seems that shower facilities are another must, not only under the law but as a matter of decency. The barrens are hot and dry and dusty. The soil is dry and sandy and gives up its water content easily. The distance to bathing places is far too long to be tolerated and it seems that an adequate set-up could be arranged. Most Indians complained of the lack of washing facilities under the very hot and dusty conditions which they labor.

One of the most crucial problems also covered by Health and Welfare regulations but totally ignored by the camps' owner(s) is Section 18.10 which deals with "Garbage and Refuse." The rules explicitly state: "All garbage, kitchen wastes, and other rubbish in labor camps shall be deposited in suitably covered receptacles the contents of which shall be burned, buried, or fed to animals." The residents of the camps make a rather good attempt to throw all their rubbish in a central pile or burn

it, but wind, weather and carelessness scatters the refuse all around the campsites. The resultant health hazard is apparent. None of the camps have "suitably covered receptacles" as required by law. There is no trash pickup until after the picking season ends.

Although there are also regulations in current provisions to deal with communicable diseases, there is nothing to cover emergency medical problems. The same facilities for medical care are available in Millbridge to Deblois residents and Indian migrants alike, but one must realize that the population of Deblois skyrockets almost overnight from 25 to 2500 or more. One woman's father had a heart attack and had to be transported in the back of an old auto to Millbridge. He then returned to the camp. There are also problems with sunburn, insect bite, and other injuries. It seem only human that at the very least there should be first aid kits. In fact, under regulations in the same title governing the maintenance of cabooses cars, Section 19.5 requires that "A first aid kit properly equipped and maintained, containing supplies in nature and quantity acceptable to the Department will be placed on all locomotives and cabooses in use, in shanties and other locations as recommended by the department."

There are also areas which Maine law does not speak to and one of those is child labor. There are now federal regulations in existence which ban children 12 years old and under from laboring in the fields, but they were out there in almost all cases, ten to eight hours per day in the hot sun, with their parents. The problem, of course, is that there is no place for parents to keep their children during the day; to keep an eye on them and make sure they stay out of trouble; to make sure no harm comes to them.

Most of the children do not seem to suffer too much physical harm from the current arrangement; however, they are in a situation which

teaches them, from the earliest of ages, that this entire August process, all the conditions, and discomforts, are "normal." This is what they grow up with, in effect. Many pickers in their early twenties had been coming to the fields since their own childhood and although they did not like the conditions at all, they could see no remedy. In fact, they expected no remedy. They had learned long ago to swallow the bitter pill. However, there are HEW grants available to migrants for education and child care. Aroostook County was the recipient of a \$60,000 grant in 1968 or 1969.

What few white were out on the Barrens, especially the French, were off in separate encampments from the Indian pickers. Although there was little friction between these people, they were separate, perhaps by choice. Meanwhile, the investigators saw or heard of no Indians with jobs above the level of raker. All the higher jobs were held by white people, most of whom were local. Some Indians were occasionally enlisted to drive a truck in a squeeze, but the Indians we spoke with insisted that all better jobs were not available to them.

Several Indians, as well as Human Rights Commissioner Wayne Newell, himself a Passamaquoddy Indian, also said that advertisements had been placed in Canadian and American papers soliciting pickers and advertising "new, improved camps." They said these ads were signed by Jasper Wyman and Sons and Commission staff are now tracking down these advertisements and their implications.

The Maine Employment Security Commission advertises in at least Maine newspapers (Bangor Daily News) for pickers. There are regulations for labor camps which cover interstate recruitment by the Employment Security Commission. Further examination of advertising sources is advisable. (See attached Regulations Title 20 Employees' Benefits)

Finally, a word should be said about the relationship of the townspeople of Cherryfield to the Indian migrants and the relationship of the State

Police to all of them.

We spoke at length with three state troopers on the night of August 23 (a Friday) and they were most helpful in attempting to analyze the problem. They said that the entire Washington County State Police detachment was centered around Cherryfield during the month of August because of the trouble which always developed, mostly between white town youth and Indians. Most of this occurred on the weekend after the Indians were paid or on evenings when Indians came to town to purchase groceries. We witnessed one such incident on a Wednesday night where several Indian males were surrounded at the store by a large number of white youths. One kept stopping local cars and enlisting more aid until the Indians were outnumbered about five or six to one. Later, residents said the state police arrived and separated the parties, sending the Indians back to the Barrens camps and keeping the white youths in the town. While they did what was absolutely essential, i.e., diffuse the situation, they acted discriminatorily against the Indians since they had just as much right to be in town as the white residents.

However, in all fairness, the State Police handled the situation well; absolutely the only way they could. Although some Indian youths complained about such police "harassment" as frequent stops of their autos, most were in agreement that the police acted very well, given a tough situation. It was and is apparent that the State Police are placed in a very difficult and unenviable situation, i.e., racial conflict. They seem to handle it well and feel that living condition improvements on the Barrens would at least hold down the friction somewhat. One offered the example of improved conditions in woods camps as a parallel and said that he had seen a noticeable easing in tensions when the living conditions had improved.

However, there was another situation in the Barrens which seemed to develop toward the end of the picking season when the Indian population in the shack settlements thinned. A number of Indians living in camps nearer the main road (Route #193) said that they were subject to periodic attacks from carloads of young bucks from town. Naturally, they were in no position to call the police since there are no communication lines at all, so they fought it out or, if outnumbered, retreated. These are and continue to be potentially dangerous situations, especially for the Indians who harvest the crop and provide, through their labors, jobs in the canneries for many of the same people who launch these physical attacks upon them.

Summary and Conclusion: Hard Evidence and a Need for Education.

First, these people who pick the berries are Native Americans. It is our duty not only to see that they are not abused, but that they are even compensated for past abuses. They are citizens of neither Canada nor the United States of America. They have their own unique position with regard to both nations. They pass freely between the two and are guaranteed that right by law. However, this means there can be no contracting as with "bonded" labor unless elaborate legal mechanisms are also set-up to protect their right of free passage. They have "come and gone" for centuries and will continue to do so.

Their right to a decent standard in living quarters and conditions is guaranteed by the above cited and enclosed Maine Department of Health and Welfare regulations. However, there are areas which need to be dealt with, such as medical care and communications, currently not covered under the law. In addition, there are some areas under the current Health and Welfare regulations which should be clarified and/or strengthened.

One unclear area which deserves immediate attention is the use of the chemical pesticide Guthion. What its long term effects on the pickers and field hands is, no one really knows and the recent OSHA findings only make the situation more grave. These people who harvest the multi-million dollar crop for Maine's economy must be afforded all reasonable protection. It is apparent that further testing must be done. The long-term effect of this arsenic-based poison, especially upon children, should obviously be ascertained at the earliest possible date.

Children are also in the fields and past experiments with day care facilities in and around migrant camps have been good. Several were set up in Aroostook County operations during the past years with use of federal funds.

The State Department of Agriculture is also empowered under state statutes, Title Subchapter II, Articles 580 and 581, to hold hearings on farm labor conditions and adopt regulations, however, all that seems unnecessary in the light of Health and Welfare regulations which already exist.

Part of this problem, be there laws or not, is the fact that the Indian pickers come and go like the wind, here one day and gone the next. They are unfamiliar with Maine and United States governmental agencies and operations. They tolerate the situation through custom and the conditioned response that no one would pay attention even if they did complaint. Thus, the need exists for strong affirmative action by the agencies involved to see that the laws are upheld and these people not abused.

An anonymous Indian once said of the white man, "They made us many promises. More that I can remember, but they never kept but one; they promised to take our land and they took it." It seems that this represents

an opportunity to make one more promise and perhaps keep it. There is obviously a need in this state for a great effort to help white people overcome their bigotry and racism in regard to the Indian populations of the area. The situation is all too mindful of the South and the black man until more recent days, especially after one witnesses an "incident" or two of a racial nature in Cherryfield.

Since the Indian migrants bring in the harvest which keeps the factories humming and provides jobs to local white people, it is essential that a better attitude be fostered in these areas. How that will be done can be ascertained through educational and social resources in that area.

Recommendations: Alleviating the Problem.

It is of primary importance that all existing Health and Welfare regulations remain in effect; that all legislative or agency efforts to dilute them be resisted. Beyond that, efforts must be made to clarify certain areas which the Commission feels unclear and to strengthen other areas which need attention.

Perhaps the most interesting note to all of this is that all improvements made can be written off on federal taxes as a legitimate business expense (see enclosed regulations). Chapter 5 / Page 27

Some specifics which we would see essential are:

1. All water supplies must be located within 50 feet of the campsite and easily accessible by day or night. There should be no open water sources. At a minimum, a hand pump should be required.
2. "An adequate water supply" as cited in Health and Welfare regulations (Sect. 18.6) must be defined, perhaps in a quantity per minute ratio.
3. Water in coolers should be required in the fields.

4. Intensive research into the long term effects of the arsenic-based chemical Guthion as well as other pesticides must be conducted or sought out with a special eye cast toward how it will affect growing children.
5. Sanitary facility regulations must be stringently enforced. There is no greater disease carrier than human feces.
6. Showers must be provided.
7. Garbage and Refuse regulations (Sect. 18.10) must also be strictly enforced. In addition, weekly pick-up by the contractor must be required.
8. A way must be found to provide adequate emergency medical care during the harvest season, e.g. a field hospital staff by Red Cross, National Guard paramedics, or similar. This facility should be open to all the people of that area (Deblois, Beddington, etc.) due to the massive influx of people for the month of August.
9. Funds should be sought from the Federal Government to staff a child-care facility like that which was opened for a similar purpose in Aroostook a few years ago (see enclosed newspaper clipping).
10. Public two-way communications should be easily accessible to all encampments.
11. Some sort of common refrigeration or cooler unit should be required (e.g. an icehouse) so that supplies can be stored over a period of time. At this point, the diets of the migrants sorely lack nutritional value and are expensive to maintain.
12. Health and Welfare regulations should be posted publicly (twice) at every encampment naming a person to call toll-free to register complaints.
13. The Occupational Safety and Health Administration has money available to see that regulations are enforced. This should be sought and obtained so that a full-time inspector could look over the situation.

The current laws/regulations seem to have gone begging. No where was there any sign of enforcement. These pickers are Native Americans. They bring in the crop. Without them, many jobs would be lost. Stringent compliance must be obtained and maintained through one pre-season inspection (July) and one mid-season (August) inspection.

Owners should not be notified beforehand but should be required to post ownership papers at all campsite.

Inspectors should report to owners after inspection, providing a list of deficiencies where necessary. If violations are in the extreme and due to owner negligence, the inspectors should be empowered to close the camps until the standards are met.

Finally, the owners and management of the canneries (Stewart and Wyman) could do a great deal to alleviate tensions between the townspeople and the Indians. That is a matter for public relations and social education.

And we specifically see the job of the State Police being made easier through this kind of effort as well as through improved living conditions for the migrants which might allow them to live like human beings.

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State of Maine

Rules and Regulations

Relating to

**OCCUPATIONAL HEALTH AND SANITARY
STANDARDS FOR PLACES OF
EMPLOYMENT INCLUDING THOSE OF
RAILROAD EMPLOYEES AND
SANITATION OF LABOR CAMPS**



1971

DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH
DIVISION OF SANITARY ENGINEERING

or the latest revision thereof published by the American Conference of Governmental Industrial Hygienists shall be used as guides in determining whether or not a health hazard exists. (These values are subject to change from time to time as continued scientific studies indicate the need for revision).

Sec. 18. Labor Camps

NOTE: Employers who anticipate the hiring of out-of-State workers should procure a copy of the U. S. Labor Department regulations before the construction of labor camps so that their camps will also meet the requirements of these regulations.

18.1 DEFINITION: For the purposes of these regulations, labor camps shall be considered to include all camps, camp cars, trailers, and similar places of abode, including those on wheels, established by or for the care of working forces engaged in any logging, wood-cutting, industrial, construction, railroad construction and maintenance, or agricultural work.

18.2 GENERAL: All camps shall be so located and so maintained as to be conducive to the health of their occupants and not to endanger the health of the public; and all tents, houses, camp cars, stables, or other structures therein shall be kept in a clean and sanitary condition at all times.

18.3 LOCATION: All camps, except those on wheels, shall be located on high, well drained ground, and preferably greater than 100 feet from the normal high water mark of any lake, pond, stream, or from any source of water supply such as a well or spring.

18.4 SLEEPING QUARTERS:

18.4.1 CONSTRUCTION: The walls, floors and ceilings of all sleeping quarters shall be so constructed as to provide protection from outside weather elements and to permit their being readily cleaned. Wood floors shall be raised at least one (1) foot above the ground.

18.4.2 SIZE: Each building, trailer, camp car or room used as sleeping quarters shall be so constructed as to provide at least thirty-five (35) square feet of floor space for each occupant, with a ceiling height of not less than seven (7) feet.

18.4.3 VENTILATION: The window area of the sleeping quarters which shall open directly to the outer air, shall be at least

1/10 of the floor area of the room and shall have an openable area of at least 1/20 of the floor area.

18.4.4 SCREENING: During the period between May 1 and November 1, all outer doors and windows shall be equipped with screening of not less than 16 mesh. All screen doors shall be equipped with self-closing devices, and shall open out.

18.4.5 HEATING: Adequate heating facilities with fuel shall be provided for labor camps, with which employees may maintain at least a 65° F. temperature, as weather conditions may require.

18.4.6 LIGHTING: Lighting by acceptable artificial illumination shall be provided.

18.4.7 BED FACILITIES: Each bunk, bed, or cot shall be raised at least twelve (12) inches from the floor, shall be at least two (2) feet from any other bed, bunk, or cot in the rooms and shall have at least twenty-seven (27) inches of clear space above it. Triple-deck facilities shall be prohibited.

18.4.8 BEDDING: Mattresses in good condition and clean blankets shall be supplied in sufficient quantity and maintained in a clean and sanitary condition at all times.

18.5 KITCHEN FACILITIES:

18.5.1 GENERAL: When kitchen facilities for heated meals are furnished by the employer, they shall be provided with adequate equipment for cooking and refrigeration.

18.5.2 MEALS SERVED TO EMPLOYEES. Every Labor Camp where food is served to the employees shall comply with Section 14.2 of these regulations.

18.5.3 CONSTRUCTION: All kitchen and dining areas where food is prepared and served to employees shall be fully partitioned off from sleeping quarters and self-closing doors shall be provided to rooms or buildings used for the preparation or storage of food.

18.6 WATER SUPPLIES: If the water supply is not provided by a public water utility, an adequate source must be located and protected in a manner satisfactory to the Department, and samples thereof shall be submitted to the Department for analysis at least once a year and more often if the Department so directs.

18.5.1 WATER CONTAINERS: All drinking water containers shall be so constructed that water may be drawn only from a tap or fountain and said containers shall be kept clean and free from contamination. The use of common drinking cups is prohibited.

18.7 WASHING FACILITIES: Washing and showering facilities shall be available in all labor camps in the ratios set forth in Section 9.2 and 9.5 and shall comply with all other requirements under Section 9.

18.7.1 EXCEPTION: Showering facilities shall be provided in camp cars as set forth in Section 9.5 in all new camp cars herein-after constructed and in all old camp cars as follows:

On or before June 1, 1972, $\frac{1}{4}$ of all camp cars

On or before June 1, 1973, $\frac{1}{2}$ of all camp cars

On or before June 1, 1974, $\frac{3}{4}$ of all camp cars

On or before June 1, 1975. All camp cars

18.8 TOILET FACILITIES: Toilets shall be provided in all labor camps at least at the rate of one toilet for every 15 employees or fractional part thereof for each sex and the construction and maintenance of such facilities shall comply with Section 6 and/or Section 8.

18.5.1 URINALS: When three or more toilets are provided for men, one urinal may be substituted for one toilet up to a maximum of one-third of the total number of toilets required.

18.5.2 LESS THAN 5 PERSONS: When a total of 5 or less persons of both sexes are housed, only one properly controlled toilet need be provided.

15.9 DISPOSAL OF WASTE AND SEWAGE: All waste water or sewage from any of the buildings in the labor camps shall be conducted through a closed conduit to an approved disposal unit. Such unit shall be covered and not located nearer than 100 feet to the normal high water level of any lake, pond, river, stream, or similar water course or potable water supplies used for drinking and kitchen uses.

15.10 GARBAGE AND REFUSE: All garbage, kitchen wastes, and other rubbish in labor camps shall be deposited in suitably covered receptacles, the contents of which shall be burned, buried or fed to animals (garbage fed to swine must meet the requirements of Title 7, Chapter 305, Section 1814, R.S. 1964).

18.11 LOCATION OF HOVEL, STABLE AND REMOVAL OF MANURE:hovels and stables shall be located at least 150 feet from cook and bunkhouses. All manure shall be deposited on the side away from the cook and bunkhouses and not nearer than 200 feet to any lake, pond, river, stream, well or spring or any other source of water supply.

18.12 SICK PERSONS: When an occupant of a labor camp becomes sick with a communicable disease, he shall be immediately isolated and the health officer within whose jurisdiction the labor camp is located or the Department of Health and Welfare, Bureau of Health, shall be immediately notified.

18.13 ABANDONED CAMPS: When any labor camp is to be abandoned, all garbage or rubbish shall be collected and burned or buried or disposed of in some other manner approved by the Department of Health and Welfare, Bureau of Health; privy vaults shall be covered with at least one foot of clean soil, or available similar material and the grounds and buildings shall be left in a clean sanitary condition.

Sec. 19. Additional Regulations Relating Particularly to Railroad Employees

19.1 DEFINITIONS:

19.1.1 "CABOOSE CARS" refers to the cabooses and riding cars provided for the use of railroad employees.

19.1.2 "LOCOMOTIVE" means a unit propelled by any form of energy, or a combination of such units operated from a single control, used in train or yard service for hauling cars. (Steam locomotives used only for sporadic special excursions will be exempted from these rules and regulations.)

19.1.3 "SHANTY" shall mean a building of fixed location provided for railroad employees as a point to report regularly for duty, house lockers, used as an area in which to work, or a place in which to eat, and shall exclude those buildings used principally for storage of tools, rolling stock, and other equipment.

19.2 LOCOMOTIVES:

19.2.1 GENERAL: All locomotives operated by or on each of the railroads in Maine, except those specifically exempted below, must be equipped with water or chemical toilets or a similar

RULES AND REGULATION

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTAB- LISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

PART 620—HOUSING FOR AGRICUL- TURAL WORKERS

On pages 10266-10268 of the FEDERAL REGISTER of July 17, 1968, there was published a notice of proposed rule making to amend Chapter V of Title 20 of the Code of Federal Regulations by establishing a new Part 620 and by revising paragraph (d) of 20 CFR 602.9. Interested persons were given 15 days in which to submit written statements of data, views, or argument concerning the proposals. After having carefully considered all matter submitted in response to the proposals, I have decided to, and do hereby, adopt them, effective November 30, 1968, subject to the following changes:

1. Section 620.3 is amended by substituting the words "a Regional Administrator" for the words "the Administrator" in both places where it appears.

2. Paragraph (f) of § 620.17 is revised.

Signed at Washington, D.C., this 25th day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

1. As revised § 602.9(d) reads as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless:

* * * * *

(d) The State has ascertained that housing and facilities which comply with the provisions of Part 620 of this chapter are available.

* * * * *

(48 Stat. 117, as amended; 29 U.S.C. 49k)

PART 620—HOUSING FOR AGRICULTURAL WORKERS

2. The new Part 620 reads as follows:

EXPLANATION

Sec.	
620.1	Purpose and scope.
620.2	Amendments.
620.3	Variations.

HOUSING STANDARDS

620.4	Housing site.
620.5	Water supply.
620.6	Excreta and liquid waste disposal.
620.7	Housing.
620.8	Screening.

Sec.	
620.9	Heating.
620.10	Electricity and lighting.
620.11	Toilets.
620.12	Bathing, laundry, and handwashing.
620.13	Cooking and eating facilities.
620.14	Garbage and other refuse.
620.15	Insect and rodent control.
620.16	Sleeping facilities.
620.17	Fire, safety, and first aid.

AUTHORITY: The provisions of this Part 620 issued under 48 Stat. 117, as amended; 29 U.S.C. 49k.

EXPLANATION

§ 620.1 Purpose and scope.

(a) The Bureau of Employment Security, Manpower Administration, of the U.S. Department of Labor has established facilities to assist agricultural employers in recruiting workers from places outside the State of intended employment. The experiences of the Bureau indicate that employees so referred have on many occasions been provided with inadequate, unsafe, and unsanitary housing facilities. To discourage this practice the Bureau has established a policy of denying its interstate agricultural recruitment services to employers until the State agency affiliated with the U.S. Employment Service which receives the order for interstate recruitment has ascertained that housing and facilities: (1) Are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are large enough to accommodate the agricultural workers sought; and (4) will not endanger the lives, health, or safety of workers and their families.

(b) In order to implement this policy, interstate recruitment services will be denied if the housing facilities intended for use by the worker or workers and their families fail to comply (1) with an applicable State or local law or regulation concerning safety, health, or sanitation, or (2) with the minimum standards set forth in this Part 620, whichever is more stringent.

(c) The services of the Bureau will also be denied when there exists an insanitary or hazardous condition not contemplated by applicable State or local law or the standards contained in this part, or where past failures to provide safe and sanitary housing indicate that the employer cannot be relied upon to comply with this part.

(d) In establishing this code, due consideration has been given to short term or temporary occupancy. The standards set forth in this part are minimum standards used to determine whether conditions are so inadequate as to require the Bureau to withhold services generally made available upon request. These standards should not in any way discourage (1) voluntary institution of higher standards by employers or their associations, (2) the institution and enforcement of adequate standards by appropriate authorities for the maintenance of safe and sanitary conditions for workers throughout the period of employment, and (3) the institution and enforcement of more stringent standards

RULES AND REGULATIONS

with a minimum of one unit for each sex in common use facilities.

(c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

(e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(g) Toilet facilities shall be located within 200 feet of each living unit.

(h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.

(i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

§ 620.12 Bathing, laundry, and handwashing.

(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.

(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

(c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be

provided in addition to the mechanical washers.

§ 620.13 Cooking and eating facilities.

(a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with: (1) A cookstove or hot plate with a minimum of two burners; and (2) adequate food storage shelves and a counter for food preparation; and (3) provisions for mechanical refrigeration of food at a temperature of not more than 45° F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.

(b) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with: (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of not more than 45° F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

§ 620.14 Garbage and other refuse.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

§ 620.15 Insect and rodent control.

Housing and facilities shall be free of insects, rodents and other vermin.

§ 620.16 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

§ 620.17 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon stored pressure or 5-gallon pump-type water extinguisher.

(g) First aid facilities shall be provided and readily accessible for use at all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

[P.R. Doc. 68-13185; Filed, Oct. 30, 1968; 8:46 a.m.]

RULES AND REGULATIONS

by other governmental agencies with regulatory authority.

§ 620.2 Amendments.

(a) Any interested person may at any time file a petition for a change in the regulations contained in this part with the Administrator of the Bureau of Employment Security, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20310.

(b) Any interested persons and organizations are invited to cooperate with the Bureau of Employment Security by submitting suggestions and requests and to provide information to the Bureau concerning the problems of safety and sanitation in housing for agricultural workers. In addition, the Director of the Farm Labor Service of the Bureau of Employment Security shall have authority to obtain information by calling conferences to which he may invite various persons who have had experience or expert knowledge concerning this matter.

§ 620.3 Variations.

(a) A Regional Administrator of the Bureau of Employment Security may from time to time grant written permission to individual employers to vary from particular provisions set forth in this part when the extent of the variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of an existing facility, (2) the variation is necessary to prevent a practical difficulty or unnecessary hardship, and (3) appropriate alternative measures have been taken to protect the health and safety of the employee and assure that the purpose of the provisions from which variation is sought will be observed.

(b) Written application for such variations shall be filed with the State employment security office serving the area in which the employment is to take place. No such variation shall be effective until granted in writing by a Regional Administrator.

HOUSING STANDARDS

§ 620.4 Housing site.

(a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

§ 620.5 Water supply.

(a) An adequate and convenient supply of water that meets the standards

of the State health authority shall be provided.

(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(c) Common drinking cups shall not be permitted.

§ 620.6 Excreta and liquid waste disposal.

(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

§ 620.7 Housing.

(a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(c) The following space requirements shall be provided:

(1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area,

including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

§ 620.8 Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

§ 620.9 Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68°.

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

§ 620.10 Electricity and lighting. SEE 03H

(a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

§ 620.11 Toilets.

(a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

(b) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants,

Blueberry Pickers' Conditions A Disgrace?

By PAT SHERLOCK

AUGUSTA, Maine (AP) — Canadian Indians are forced to live and work under conditions which are "an abomination" while harvesting Maine's multi-million dollar blueberry crop, the Maine Human Rights Commission said Wednesday.

"The conditions under which these migrant laborers are forced, through economic necessity, to live are a disgrace to this state. Not another session of such cruel exploitation of native Americans can be allowed to pass," Commission Director Terry Ann Lunt-Aucoin told a State House news conference.

Her remarks came after the commission sent a team of investigators to spend a week working with the Canadian Indians in the fields around Cherryfield, Jonesboro and Deblois.

The report drew immediate fire from the state's largest blueberry grower, State Sen. J. Hollis Wyman, R-Milbridge. He said the migrant workers' quarters "are not that bad."

Wyman, known as the "Blueberry King of Maine," owns about 30,000 acres in the Washington County area, but he said only between 2,000 and 2,500 acres are under blueberry cultivation.

He criticized the commission's investigating team and Mrs. Lunt-Aucoin for not discussing the situation with him.

"These people think that just because we don't provide the migrants with flush toilets or running water for three or four weeks that it's a terrible imposition. The workers don't complain," Wyman said.

Mrs. Lunt-Aucoin said the estimated 1,500 Indians, mostly members of the Micmac Tribe from Nova Scotia, are living in sub-human conditions.

Mrs. Lunt-Aucoin said she plans to ask the State Agriculture Department and the Maine Department of Health & Welfare to take proper action to end this situation.

She said the commission will be contacting provincial author-

PICKERS

(Continued From Page 1)

ities and tribal leaders in Nova Scotia to urge them to act for the "future protection of their people."

Mrs. Lunt-Aucoin described tarpaper shacks of no more than 60 square feet in which as many as 10 members of an Indian family are quartered.

"The nearest water is spring waters hundreds of yards from the campsites. There is no water in the fields. There are no flush toilets and in some camps, barely standing out-houses," she said.

Workers, paid about \$1.50 to \$4 per bushel of picked blueberries, have no nearby drinking water in the fields, according to Mrs. Lunt-Aucoin.

They are then victimized, she said, by "bootleggers" who drive out into the fields and swap cans of beer for already picked bushels of blueberries. According to Mrs. Lunt-Aucoin, these bootleggers later exchange these blueberries for cash.

There are no showers provided and the only bathing facilities are a lake or river about five miles from the campsite, she said. The campsites also lack cooking facilities, refrigeration units for perishable foods and are not located within walking distances of stores, she added.

"Most farm animals in this state are quartered better and have better facilities," Mrs. Lunt-Aucoin said.

She said she was "personally outraged at those people who are responsible for the total lack of human decency reflected in those blueberry fields. They, above everyone else, are responsible for this."

But Wyman denied that such conditions are widespread.

"The conditions at our place are fine. Most of these migrants have better places to live on the barrens than they have at home. Sometimes they destroy them and we have to repair their quarters.

"We have built and are still building quite a number of new camps with bunks and stoves. There's still no running water but they have springs that are tested regularly by the state for purity. There are a few of the old tarpaper shacks left but they're pretty much being phased out," Wyman said.

Mrs. Lunt-Aucoin also criticized the lack of nearby medical facilities.

"There is no medical care, not even first aid kits. There are 1,500 people on the barrens and no communication system to get help if someone is injured or sick. One woman told me her father had a heart attack on the barrens," the director said.

The heart attack victim was taken to a hospital in a pickup truck.

Wyman said, "We have a very good medical center in Milbridge manned all the time. And there are two doctors in Cherryfield, which is just about as near as you can get to a doctor without having one roving over the barrens."

Commenting on the migrants' living conditions, Wyman said, "The strange part of it is that if you look at these pickers you might think they should have flush toilets, running waters and all those other things. Yet you have people who go camping and stay in tents and sleep in sleeping bags and they don't have these things."

Blueberry Pickers' Quarters

By PAT SHERLOCK

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Portland Press Herald 8/29/74

Called Intolerable

Tribe from Nova Scotia, are living in sub-human conditions.

"After a week of investigation by Human Rights Commission staff, we have learned that living conditions provided for migrant workers in Washington County blueberry fields are an abomination and an affront to even the most minimal standards of human dignity," she said.

Mrs. Lunt-Aucoin said about 80 per cent of the workers are Micmacs, while the other 20 per cent are French-Canadians.

She did not identify the owners of the blue-

berry fields.

Mrs. Lunt-Aucoin said she plans to ask the State Agriculture Department and the Maine Department of Health & Welfare to take proper action to end this situation.

She said the commission will be contacting provincial authorities and tribal leaders in Nova Scotia to urge them to act for the "future protection of their people."

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Turn to Back Page of this Section

Conditions In Blueberry Fields Called Inhuman

(Continued from Page One)

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"The nearest water is spring waters hundreds of yards from the campsites...there is no water in the fields. There are no flush toilets and in some camps, barely standing out-houses," she said.

Workers, paid about \$1.50 to \$4 per bushel of picked blueberries, have no nearby drinking water in the fields, according to Mrs. Lunt-Aucoin.

They are then victimized, she said, by "bootleggers" who drive out into the fields and swap cans of beer for already picked bushels of blueberries. According to Mrs. Lunt-Aucoin, these bootleggers later exchange these blueberries for cash.

There are no showers provided and the only bathing facilities are a lake or river about five miles from the campsite, she said. The campsites also lack cooking facilities, refrigeration units for perishable foods and are not located within walking distances of stores, she added.

"Most farm animals in this state are quartered better and have better facilities," Mrs. Lunt-Aucoin said.

She said she was "personally outraged at those people who are responsible for the total lack of human decency reflected in those blueberry fields. They, above everyone else, are responsible for this."

But Wyman denied that such conditions are widespread.

"The conditions at our place are fine. Most of these migrants have better places to live on the barrens than they have at home. Sometimes they destroy them and we have to repair their quarters.

"We have built and are still building quite a number of new camps with bunks and stoves. There's still no running water but they have springs that are tested regularly by the state for purity. There are a few of the old tarpaper shacks left but they're pretty much being phased out," Wyman said.

Mrs. Lunt-Aucoin also criticized the lack of nearby medical facilities.

"There is no medical care, not even first aid kits. There are 1,500 people on the barrens and no communication system to get help if someone is injured or sick. One woman told me her father had a heart attack on the barrens," the director said.

The heart attack victim was taken to a hospital in a pickup truck.

She said these conditions on the barrens, which is the local terminology for the blueberry fields, are "in clear violation of Maine laws" which the Agriculture and Health & Welfare Departments were responsible for enforcing.

Mrs. Lunt-Aucoin said steps will be taken to prod both agencies into action.

Wyman said, "We have a very good medical center in Milbridge manned all the time. And there are two doctors in Cherryfield, which is just about as near as you can get to a doctor without having one roving over the barrens."

Commenting on the migrants' living conditions, Wyman said, "The strange part of it is that if you look at these pickers you might think they should have flush toilets, running waters and all those other things. Yet you have people who go camping and stay in tents and sleep in sleeping bags and they don't have these things."

Bangor Daily News 9/4/74

Bangor Daily News 9/4/74

Program drawn up for migrants

AUGUSTA — The state is working on an \$89,000 program that might provide health and job education services for the estimated 20,161 seasonal farm workers who live in Maine.

Although the money has been allocated through the U.S. Department of Labor, Jack Lyons, assistant director for the state Office of Manpower Planning and Coordination, said his office had "just drafted a proposal" that must be accepted by the Labor Department before the money could be spent on the program.

Lyons said the program would "provide supportive services to seasonal farm workers" services that would be aimed at housing, basic education and the enhancement of skills.

The deputy director said most migrant workers in Maine would not be eligible under the proposal, which is directed toward resident Maine seasonal farm laborers, specifically those in the potato, blueberry and apple industries.

The Labor Department has allocated \$595,100 among the six New England states, the bulk of the sum going to Massachusetts and Connecticut. Connecticut will receive \$241,400 and the Bay State will be allocated \$223,200.

Lyons said the Maine program would be entirely new.

"This is the first time Maine has had any funding for this specific kind of thing," he said.

He said the Labor

Department program was for work outside of aimed at two almost seasonal farmwork. contradictory purposes.

The first purpose was to make seasonal farm work more attractive and the second was to train people to work at making that more attractive."

If the Maine proposal is accepted in Washington, funds would be available Jan. 1, in time, Lyons said, for programs to be available for workers in the 1975 harvest.

Blueberry Shack Fires Not Uncomm

By PAT SHERLOCK

DEBLOIS, Maine (AP) — The state's largest blueberry grower denied Thursday any connection between a critical state report on migrant workers' housing and fires that destroyed three of those shacks on his property.

"If it hadn't been for that publicity we had Wednesday, those buildings would have burned down and no one would have thought anything about it," said state Sen. J. Hollis Wyman, R-Millbridge.

Wyman, known as "The Blueberry King of Maine," owned

the three old tarpaper shacks that were swept by flames at about 10 p.m. Wednesday — less than 12 hours after the Maine Human Rights Commission issued a scathing report on the living facilities provided for the mostly Canadian Indians who harvest Maine's multi-million dollar blueberry crop.

"Buildings burn down everywhere," Wyman said.

Rangers from the Maine Forestry Department said the burned-out camps were located in this Washington County township in the heart of Maine's blueberry barrens.

"They were three of the real old camps, and there was no one living in them when the fires broke out," one ranger said.

He said the cause of the fires was not determined.

Wyman said such fires were not rare.

"We've had this happen on our property, and it's happened on other properties. We've had these camps burn down during picking season and out of picking season," he said.

Wyman suggested one possible cause of the fires was the long dry spell that has hit



Sen. J. Hollis Wyman

on, Says Wyman

much of Maine.

Wyman said he didn't know if any of his migrant workers were using the camps when the fires broke out, but he added, "I'm sure there's nobody hurt."

"This would have been so minor if it hadn't been for that report and the publicity," he said.

The commission's executive director, Terry Ann Lunt-Aucoin, told a news conference Wednesday that commission investigators found the estimated 1,500 pickers, mostly Micmac Indians, living in squalid, sub-human conditions.

She said state laws were being violated and the departments responsible for enforcing these laws—Health & Welfare and Agriculture—were not fulfilling their responsibilities.

Gov. Kenneth M. Curtis, meanwhile, has asked Dr. Dean Fisher, commissioner of Health & Welfare, to look into the charges made by Mrs. Lunt-Aucoin.

Both those agencies claim responsibility for cleaning up the living and working conditions in

Turn To Back Page
of this Section

Shack Fires Not Unusual, Says Wyman

(Continued from Page One)

the blueberry fields lies with the federal government.

Dr. Fisher said temporary labor camps are covered under the Federal Occupational Safety and Health Act.

"These regulations preempt and supersede any and all state regulations of the Department of Health & Welfare," he said.

Dr. Fisher said there are five persons working for the federal government, whose salaries are half paid by the state of Maine, who are responsible for enforcing these regulations.

"To the best of our knowledge, no temporary labor camps have yet been inspected by these inspectors," the commissioner said.

Agriculture Commissioner Maynard C. Dolloff said he feels his agency is preempted from acting on the matter because of the federal regulations.

"We have had no request for assistance or action from anyone relative to the alleged offenses of intolerable working and living conditions of migrant laborers in the blueberry fields of Washington County," Dolloff added.

Lunt-Aucoin Asks Federal Probe Of Migrant Blueberry Camps

AUGUSTA, Maine (UPI) — Human Rights Commission executive secretary Terry Ann Lunt-Aucoin said Tuesday she has filed a complaint with the U.S. Department of Labor over conditions at the migrant camps at blueberry fields in Washington County and elsewhere in the state.

Lunt-Aucoin said she asked the labor department to investigate the living conditions at the camps. Earlier, the governor's office asked the state Department of Health and Welfare and the state manpower affairs office to look into the conditions.

Last week, Lunt-Aucoin

charged that the migrant workers, most of them Micmac Indians from Canada's border provinces, were living in subhuman conditions without plumbing, bathing facilities or proper medical care.

"We've filed a complaint with the Department of Labor and asked them to investigate," she said. "It's kind of hard now because the blueberry season is over, and this will give the owners time to follow up and have the camp ready for next year."

Lunt-Aucoin said she has been invited to view the migrant facilities at some of the orchards in the state.

"I've been invited by some orchard owners to view the

Federal Office Asked To Probe Berry Camps

(Continued from Page One)

facilities they have for their labor. "It should provide quite a contrast."

Lunt-Aucoin said the Human Rights Commission has offered to help the state in any way it can with the investigation of the labor camp conditions.

"We have films and files and photos and we offered to assist the state in any way possible," she said.

"Mostly we're just going to stay on top of it and make sure federal and state regulations are enforced," she said.

Lunt-Aucoin said last week the migrants live in terrible conditions, and she charged the state Department of Health and Welfare had been lax in enforcing state laws which regulate the conditions at the migrant camps. Dean Fisher, head of the Department of Health and Welfare, said his department had not received any complaints about conditions at the camps.

Bangor Daily News 9/4/74

Bangor Daily News 9/4/74

Federal complaints filed on berry camp conditions

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plumbing, bathing facilities or proper medical care.

"We've filed a complaint with the Department of Labor and asked them to investigate," she said.

Lunt-Aucoin said she has been invited to view the migrant facilities at some of the orchards in the state.

Portland Press Herald

8/30/14

The Berry Pickers

If Maine has adequate laws to assure reasonable and decent living conditions for migrant workers, those laws should be applied to the men and women who harvest blueberries.

If such laws do not exist, they should be enacted.

The living conditions of Canadian Indians working in Washington County blueberry barrens are "an abomination" according to Terry Ann Lunt-Aucoin, director of the Human Rights Commission. As might be expected, J. Hollis Wyman, Milbridge, a major employer of pickers, says conditions are not as bleak as the director paints them.

Whether these people are Indians or French Canadians or Maine residents is of no importance. They are human beings. They should not be stuffed into tar

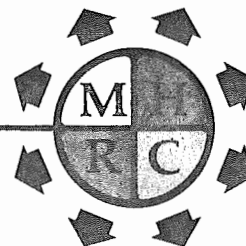
paper shacks like sardines in a can. They should be able to bathe without traveling four or five miles to a river or lake. They should have some means of cooking food and keeping food in the summer weather especially if they are not within walking distance of food supplies.

One would not expect the living quarters, occupied only four or five weeks of the year, to afford the normal comforts of home. The lack of flush toilets or electricity hardly seems uncommon under the circumstances. But some sort of sanitary substitute should be provided.

It would seem that while some Maine people have been so agitated by the plight of lettuce workers in California there have been worthy targets for their concern much closer to home.

MAINE HUMAN RIGHTS COMMISSION

State House Augusta, Maine 04330 (207) 289-2326



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Governor

TIMOTHY P. WILSON
Chairman

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WAYNE NEWELL
REV. CLEMENT THIBODEAU
JEANNINE D. CLARK

TERRY ANN LUNT-AUCOIN
Executive Secretary

August 28, 1974

Dr. Dean Fisher, Commissioner
Department of Health and Welfare
Augusta, Maine 04330

Dear Dean Fisher:

The Maine Human Rights Commission wishes to meet with you regarding the inability of the Department of Health and Welfare to enforce rules and regulations promulgated under Public Law, Title 22, 1971 as amended.

Until Monday, August 26, we were under the impression that labor camps were regulated by federal law for bonded laborers. Late Monday afternoon our investigator visited your offices and received a copy of the regulations.

We are looking forward to co-operating with your Department in the enforcement of these rules and regulations. We have photographic evidence, as well as on-site visits by state legislators, a Governor's staff person, and staff people from the Diocesan Bureau of Human Relations, to make you aware of the health and sanitary conditions which are being violated.

I am very truly yours,

Terry Ann Lunt-Aucoin
Executive Director

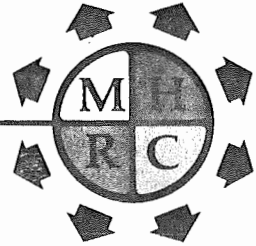
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MAINE HUMAN RIGHTS COMMISSION

State House

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REV. CLEMENT THIBODEAU
JEANNINE D. CLARK

TERRY ANN LUNT-AUCOIN
Executive Secretary

September 4, 1974

O.S.H.A. U.S. Department of Labor
Francis Amirault
Federal Building
4255 Pleasant Street
Concord, New Hampshire

Dear Mr. Amirault:

The Maine Human Rights Commission requests that you investigate labor camp health and sanitary conditions in the blueberry barrens of Washington County.

More specifically, the Commission has conducted a preliminary investigation of camps in the town of Deblois, known as Schoodic Lake camp, Grant's and the Airstrip. We found these camps to be sub-standard at best; there is not water near the camps; there are no bathing facilities; trash is not collected once during the five week season nor are suitable receptacles provided; as many as 120 persons use one outhouse which is never limed or moved; there are no first aid provisions; there is inadequate space and ventilation in the shacks; there are children picking in the fields; Guthion is the pesticide which is used.

Unfortunately, our preliminary investigation did not take place until nearly the final week of harvest. However, most of the conditions will still be present.

The Governor has ordered the Department of Health and Welfare to investigate the conditions. Health and Welfare Commissioner Fisher believes that the State's enforcement powers have been usurped by O.S.H.A. I do not interpret the law in this manner, but we wish to have the conditions rectified.

Please provide us with the proper forms, if necessary, for the filing of a formal complaint.

We would be happy to be of assistance to your inspectors/investigators.

Sincerely,

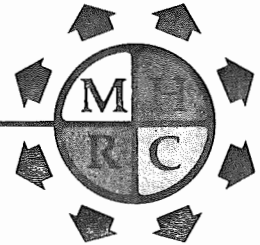
Terry Ann Lunt-Aucoin
Executive Director

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cc: Regional Director

MAINE HUMAN RIGHTS COMMISSION

State House Augusta, Maine 04330 (207) 289-2326



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TERRY ANN LUNT-AUCOIN
Executive Secretary

September 3, 1974

Mr. James G. Sappier
Federal Co-ordinator,
Indian Affairs
Federal Regional Council,
Region I
JFK Federal Building
Boston, Massachusetts

Dear Mr. Sappier:

I have enclosed a copy of the press statement and letter to the Governor of the State of Maine regarding health and sanitary conditions of labor camps in Maine blueberry barrens as investigated by the Maine Human Rights Commission. The statement and letter are self-explanatory and will be followed by a more comprehensive report within two weeks from this date.

We found 80% of migrant blueberry rakers to be Mic-Mac Indians from New Brunswick, Nova Scotia, and Massachusetts.

We believe that both state and federal law has been violated:

- (1) CFR 1910.142, regulations governing temporary labor camps
- (2) Rules and Regulations promulgated under authority of Maine Public Laws, 1969, Chapter 554.

There may be other regulations and laws of which we are unaware. Our staff is two full time investigators which allows very few hours to do followup, although we are committed to it.

Any assistance which the Federal Regional Council Indian Task Force or the Federal Regional Council can provide the Maine Human Rights Commission in the follow up to see that these regulations are enforced by State Health and Welfare and the Department of Labor will be appreciated.

The Governor has ordered the Department of Health and Welfare and the Department of Manpower Affairs to conduct a full investigation into the situation. We believe that labor camp conditions in Aroostook County for potato harvesters ought to be investigated also.

If you can be of any assistance to us, we would appreciate hearing from you.

Sincerely,

Terry Ann Lunt-Aucoin
Executive Director

Enclosures: Letter to Governor Curtis
from Maine Human Rights Commission

Press Statement

cc: Terry Polcheis, Aroostook Association of Indians
John Stevens, Department of Indian Affairs

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