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2 Dems demand labor law hearing

BY KEVIN MILLER
BDN STAFF

AUGUSTA — Two Ardoostock County legislators are criticizing a decision to postpone proceedings against logging contractors accused of violating foreign labor laws until after the LePage administration's new labor commissioner reviews the cases.

The Department of Labor originally was scheduled to hold public hearings on Dec. 21 in Jackman on allegations that two firms — Pepin Lumber Inc. and Les Transports Regi Inc. — hired Canadian workers without following the state's laws for use of foreign or "bonded" laborers.

The hearings were rescheduled for January but have since been canceled until after a new labor commissioner is in place. Republican Gov. Paul LePage is expected to announce his nomination for the Cabinet position on Wednesday.

John Dorrer, acting commissioner at the Department of Labor, said the officer hearing the cases left office with Gov. John Baldacci's administration. Dorrer argued it made sense to delay the hearings until after the transition, given the fact they are a first for the state.

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"It will be rescheduled," Dorrier said. "It has to be scheduled because that is the law."

But Rep. John Martin of Eagle Lake and Sen. Troy Jackson of Allagash insist that a law is a law regardless of who heads the department. Instead, the two Democrats questioned whether politics were behind the postponements, which could delay a decision until after the current logging season is over.

"It's a law in statute that has a

process to go through," said Jackson. "They don't need a commissioner."

The cases are part of a crackdown under the Baldacci administration against companies that, according to some Maine loggers, were unfairly giving jobs in the Maine woods to Canadian workers or contractors.

The federal "bonded labor" program allows companies to hire foreign workers on a temporary basis when insufficient American workers are available. But first, companies are required to recruit U.S. workers for the job.

Loggers in northern Maine have long accused some landown-

ers and contractors of routinely awarding jobs to lesser-paid Canadian firms and making it difficult for American workers to secure a job.

Defenders of the program counter that bonded laborers are critical to Maine's forest products industry because some landowners have trouble finding Mainers to work in more remote locations.

Pepin Lumber and Les Transports Regi were the first companies subject to public hearings on the law. The two companies allegedly failed to notify the department or provide documentation about their use of bonded workers, violations that could

result in the companies losing the right to hire Canadian workers and their removal from the state's list of approved contractors.

Dorrier said he did not receive specific instructions from the LePage administration on this issue. But Dorrier said these are significant cases, so it is important for the state to get it right.

"What I have been asked by the governor to do is not to make any new policies or not to issue new regulations," Dorrier said. "We have not had a case like this yet. This will set precedent."

But Jackson pointed out this is not about setting new policy but

rather enforcing existing law. Martin already is preparing a backup plan in case the new administration appears uninterested in enforcing the statutes on foreign laborers.

Martin, a master parliamentarian who served 10 terms as House speaker, said one option is to pursue a court order — known as a writ of mandamus — requiring the state to enforce the statutes on the books.

"We haven't filed yet, but we talked to an attorney," Martin said.

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