

JASON L. NEWTON

Correct an injustice in Maine woods

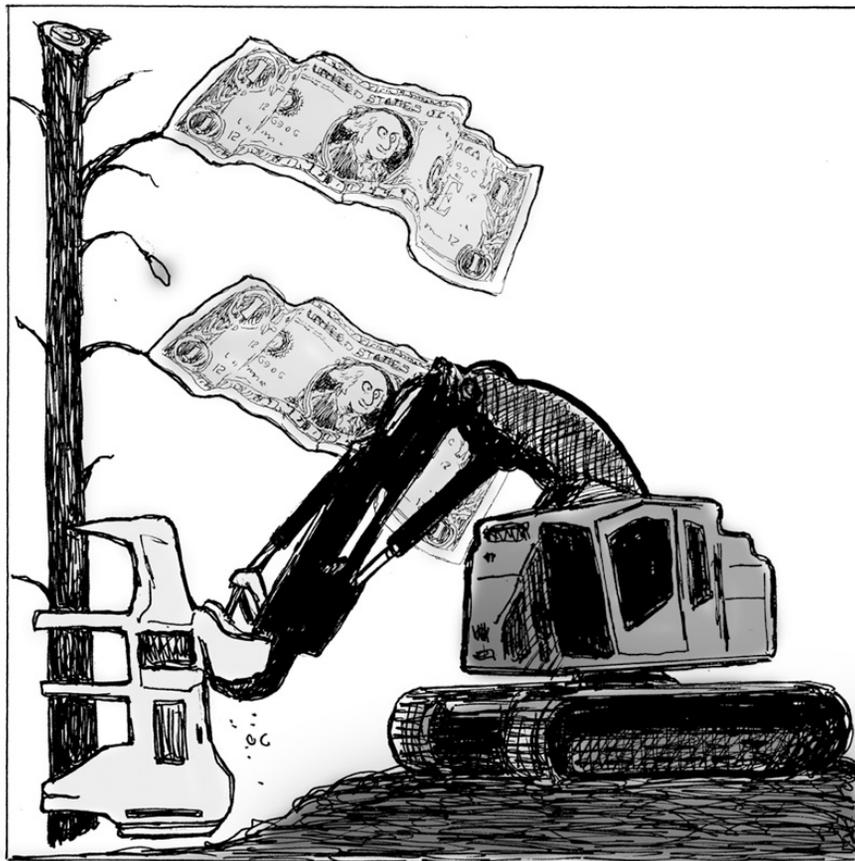
Logger and Maine Senate President Troy Jackson recently introduced LD 1459, a bill that would, for the first time in history, give Maine contract loggers the legal right to collectively bargain for fair compensation. This bill is being introduced as rising demand for shipping supplies might revitalize production.

For more than 150 years, the loggers who made Maine forest products have been denied a fair share of the profit they produce. This is because many loggers were categorized as “independent contractors.” “Contracting out” is a tactic that companies use to cut costs and prevent unionization, but in Maine this practice has a long history that voters and legislators should consider.

People were logging in Maine before statehood, but loggers were different from other workers. Most were farmers who logged during the winter. Despite how much of their income they drew from the woods, most identified as farmers, not wage working loggers. Wage working was connected with dependence and slavery in the early republic.

Into the 19th century, “farmer-loggers” continued to be enticed by the allure of independents. When competition from the West made most commercial farming in Maine unprofitable, thousands of farmers became financially dependent on the contracts they made with mills and landowners, thus becoming independent contractors.

By 1899, farmers in the Northeast were cutting 61 percent of the lumber harvested. During the Gilded Age, workers across the country were fighting “robber



OP ART BY GEORGE DANBY

barons” by unionizing, but there were few attempts at organization among Maine loggers. The anti-monopoly sentiment of the era embodied in the Sherman (1890) and Clayton (1914) anti-trust laws prevented contractors from collaborating for better pay.

Loggers who were classified as employees could and did unionize. The Industrial Workers of the World (IWW), a very radical union, was active in the lumber industries of the West. When the IWW tried to organize loggers in Greenville in 1923, the local Ku Klux Klan chased the organizers out of town.

In the 1910s and 1920s, paper production brought prosperity to rural Maine. Large companies such as Great Northern Paper ran logging camps with employees, but contracting remained an

important source of wood. Contractors had few choices for credit and borrowed at high rates often getting deep in debt. A 1911 federal report found that “there has probably existed in Maine the most complete system of [debt] peonage in the entire country.” A lawyer named John Elder investigated this problem and concluded “the Labor Law of Maine ... make[s] virtual slaves of the laboring classes.”

In the 1930s, New Deal labor regulations skipped over logging contractors entirely. The National Labor Relations Act (1935) guaranteed most workers the right to unionize, but not independent contractors. The Fair Labor Standards Act (1938) gave us the basic workplace protections we enjoy today, but section 13(a)(6) exempted loggers who were connected to a farm.

In 1949, the paper industry successfully lobbied for section 13(a)(15), which exempted logging operations with fewer than 12 workers. Those working for small contractors weren’t guaranteed federal minimum wage or overtime pay.

Maine loggers were not the only people injured by contracting. During World War II, Maine established a program that brought Canadian loggers into the state to work temporarily. Mills and landowners tried to make Canadians into contractors when possible, sometimes employing Canadian families who lived in shacks on company land. In 1947, a Great Northern Paper company official wrote that: “If a contract can be drawn that will make these shackers independent contractors we will be able to relieve ourselves of a great deal of responsibility and will be able to produce wood much cheaper.” Canadian workers were used

throughout the second half of the 20th century to give mills and landowners leverage over Maine workers who requested higher wages or threatened to organize.

The independence of contract work has been valued by Maine loggers since the 19th century but as a legal designation contracting has kept workers apart and competing. This benefits mills and landowners, but harms loggers. LD 1459 will make it legal for loggers to collaborate while giving them independence in day-to-day work. This legislation is vitally important as the industry enters what might be a period of growth.

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