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State calls for logging inquiries

'Pervasive' violations of labor laws alleged

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AUGUSTA — The Maine Department of Labor is asking federal regulators to investigate what state officials describe as "pervasive and industry-wide" violations of foreign labor laws by Canadian logging firms operating in the North Woods.

State labor officials allege that Canadian firms working in Maine routinely engage in illegal practices to discourage Maine loggers from applying for jobs. In some cases, officials said, firms have no apparent intention of hiring U.S. workers for jobs in Maine.

As a result, the state is asking the U.S. Department of Labor to conduct an audit of the federal

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"H-2A" waiver program that allows companies to hire temporary foreign laborers when U.S. workers are not available.

"This is not a question of investigating a few individual complaints," state labor Commissioner Laura Fortman wrote in a letter last week to the Office of Foreign Labor Certification.

"Rather, because it appears that the above-described practices are pervasive and industry-wide ... and because of the serious harm to qualified and available Maine workers improperly losing work to foreign workers, we believe that this widespread problem of abuse of the H-2A waiver process requires federal intervention."

Fortman said federal officials already are prohibiting some new Canadian workers from entering Maine on waivers while they investigate the state's complaints.

A state task force investigat-

ing the issue found that:

- Firms routinely posted pay rates considerably lower than what ultimately was paid to Canadian workers in an apparent attempt to discourage applications from Maine loggers.

- Companies allowed foreign contractors to use their own heavy equipment, a violation of the law.

- Some Canadian companies lacked a permanent physical location in Maine, which is required to hire foreign workers.

- Maine workers sometimes were charged fees to enter lands in order to apply for jobs.

- Companies may have ignored applications from Maine workers.

Fortman wrote that, taken together, those illegal practices were severely harming Maine's logging industry.

"Maine people should know that there are intense efforts from local, state and federal representatives to address these serious allegations," Gov. John Baldacci said in a statement Thursday. "While we are making progress, there is much work to be done."

In addition to supplying information about specific possible violations to federal officials, the state Attorney General's Office has filed a formal complaint against one firm. The

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LAURA FORTMAN,
LABOR COMMISSIONER

complaint alleges that the company did not own the heavy logging equipment it used but, instead, leased it from the same foreign contractors the company hired to run the equipment.

"It's been a long time coming," Sen. Troy Jackson, a logger and vocal critic of the lack of enforcement of the foreign labor laws, said of the investigations.

Jackson said he was cautiously optimistic about the state's recent actions and he credited

Baldacci for taking such a strong interest in the issue. But Jackson, who got into politics in large part because of his frustration over such issues, predicted it is going to be a long fight to stop what he said were blatant violations of labor laws.

Jackson said he has been out of work for six weeks, and many of his logging colleagues have been unemployed since March. Meanwhile, foreign workers are cutting wood in Maine and then hauling those logs to Canadian mills.

"For so long, [Canadian firms] have done everything to discourage you from applying and we have had no one who was willing to stand up and enforce the law," he said.

Ironically, the state investigation and subsequent request for a federal audit are linked, at least in part, to a Canadian company's complaints about unfair labor policies in Maine.

Last spring, Irving Woodlands LLC halted work on its land in order to pressure lawmakers to repeal a state law allowing Maine contractors to enter into collective bargaining with the company. The 2004 law

allowing collective bargaining applied only to New Brunswick-based Irving, which is the predominant landowner in far northern Maine.

Faced with the threat of hundreds of additional Maine woods workers without jobs, the Legislature approved a bill from the Baldacci administration scrapping the collective bargaining law. But the bill also made clear that the Maine Department of Labor would enforce more aggressively the laws governing use of foreign or "bonded" laborers.

Fortman said in an interview Thursday evening that the investigation was only peripherally tied to the dust-up with Irving. Fortman also said that Irving was not the subject of complaints about the foreign labor laws and is not being investigated.

Instead, labor and other state officials heard some of the complaints during loggers' forums in Fort Kent in early June. Subsequent investigations as well as interviews and site visits have yielded additional possible violations.