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Date: (Filing No. S-)

LABOR AND HOUSING

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 568, L.D. 1724, “An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request”

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 26 MRSA §931, first ¶, as amended by PL 2021, c. 421, §1, is further amended to read:

The State Board of Arbitration and Conciliation, in this subchapter called "the "board," consists of 3 members appointed by the Governor from time to time upon the expiration of the terms of the several members for terms of 3 years. One member must be an employer of labor or selected from an association representing employers of labor, and another must be an employee or selected from a bona fide trade or labor union. The 3rd member must represent the public interests of the State and serves as chair. Vacancies occurring during a term must be filled for the unexpired term. When meeting to deliberate or vote with respect to a matter before the board, members of the board are entitled to receive \$150 a day per meeting for their services for the time actually employed in the discharge of their official duties. For all other purposes, members of the board are entitled to receive \$300 a day for their services for the time actually employed in the discharge of their official duties. They are entitled to receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation and any state allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share

COMMITTEE AMENDMENT

1 of the estimated cost of providing the service, the matter is scheduled for hearing. A party
2 who has not paid an invoice for the estimated or actual cost of providing services within 60
3 days of the date the invoice was issued is, in the absence of good cause shown, liable for
4 the amount of the invoice together with a penalty in the amount of 25% of the amount of
5 the invoice. Any penalty amount collected pursuant to this section remains in the special
6 fund administered by the Maine Labor Relations Board and that fund does not lapse. The
7 executive director is authorized to collect any sums due and payable pursuant to this section
8 through civil action. In such an action, the court shall allow litigation costs, including court
9 costs and reasonable attorney's fees, to be deposited in the General Fund if the executive
10 director is the prevailing party in the action. The executive director shall, annually, on or
11 before July 1st, make a report of the activities of the State Board of Arbitration and
12 Conciliation to the Governor. The board shall from time to time adopt rules of procedure
13 as it determines necessary, including rules for the Logging Dispute Resolution Board
14 pursuant to chapter 47. Rules adopted pursuant to this section are routine technical rules
15 as defined in Title 5, chapter 375, subchapter 2-A.

16 **Sec. 5. 26 MRSA c. 47** is enacted to read:

17 **CHAPTER 47**

18 **LOGGING DISPUTE RESOLUTION BOARD**

19 **§3701. Definitions**

20 As used in this chapter, unless the context otherwise indicates, the following terms
21 have the following meanings.

22 **1. Board.** "Board" means the Logging Dispute Resolution Board established in
23 section 3702.

24 **2. Forest land.** "Forest land" means land used primarily for growth of trees to be
25 harvested for commercial use.

26 **3. Forest landowner.** "Forest landowner" means a person that owns or possesses
27 economic control over more than 50,000 acres of forest land.

28 **4. Forest products harvester.** "Forest products harvester" means an individual who
29 qualifies as an independent contractor under section 1043, subsection 11, paragraph E and
30 who is engaged in harvesting trees from forest land for a forest landowner.

31 **§3702. Establishment**

32 **1. Establishment.** The Logging Dispute Resolution Board is established, under the
33 authority of the State Board of Arbitration and Conciliation established in chapter 9,
34 subchapter 2-A, to conduct proceedings under this chapter.

35 **§3703. Members; terms; compensation; quorum**

36 **1. Members.** The board consists of the following 3 members:

37 A. Two members appointed by the Governor, subject to review by the joint standing
38 committee of the Legislature having jurisdiction over labor matters, as follows:

39 (1) One member representing forest landowners; and

1 (2) One member with experience in dispute resolution and arbitration representing
2 forest products harvesters from a list submitted by the Maine AFL-CIO or its
3 successor organization; and

4 B. The chair of the State Board of Arbitration and Conciliation, who serves as an ex
5 officio member and as chair of the board.

6 **2. Terms; alternates.** Members of the board appointed under subsection 1, paragraph
7 A serve terms of 2 years. The Governor shall appoint 2 alternate members to represent each
8 interest set forth in subsection 1, paragraph A. Alternate members serve for the same terms,
9 have the same responsibilities and duties and are entitled to the same privileges and
10 emoluments as members. The alternate chairs of the State Board of Arbitration and
11 Conciliation under section 931 shall serve as alternate chairs of the board. When for any
12 reason a member of the board cannot participate in a particular proceeding, an alternate
13 member having the same qualifications shall act as a member of the board in that
14 proceeding. The member described in subsection 1, paragraph B does not need to be the
15 same individual in each proceeding.

16 **3. Compensation of members.** Notwithstanding Title 5, section 12004-B, subsection
17 1, the chair of the board is entitled to a rate of compensation of \$300 per day for
18 participating in board proceedings. The other members are entitled to a rate of
19 compensation of \$200 per day. All board members are entitled to travel and other expenses
20 in the same manner as for State Board of Arbitration and Conciliation members under
21 section 931.

22 **4. Quorum.** Two members of the board constitute a quorum. A vacancy in the board
23 does not impair the power of the remaining members to exercise the powers of the board.

24 **§3704. Board duties**

25 The board may hear and decide disputes between a forest products harvester and forest
26 landowner in accordance with this section related to wage violations, payout amounts,
27 contract violations or disputes related to hiring.

28 At a hearing, the board shall hear all interested persons who come before it and make
29 an award, if appropriate, and written opinion, which is binding on the parties to the
30 complaint. The chair of the board shall publish the board’s written opinion and any award.

31 **§3705. Filing of complaint**

32 **1. Who may file complaint.** A forest products harvester or forest landowner may file
33 a complaint with the board stating the facts of a dispute. The filing must contain any
34 information as required by the board by rule.

35 **2. Limitation on time to file complaint.** A forest products harvester or forest
36 landowner may not file a complaint more than 2 years after an alleged dispute.

37 **§3706. Proceedings**

38 **1. Cost.** The costs of board members’ per diem and necessary expenses, as well as
39 related state allocation program charges, must be borne by the party against whom the
40 board decides. The Executive Director of the Maine Labor Relations Board is authorized
41 to collect any sums due and payable pursuant to this subsection through civil action. In
42 such an action, the court shall allow litigation costs, including court costs and reasonable

1 attorney’s fees, to be deposited in the General Fund if the executive director is the
2 prevailing party in the action.

3 **2. Appeal.** A decision of the board under this chapter constitutes a final agency action
4 and is subject to judicial review pursuant to Title 5, chapter 375, subchapter 7.

5 **3. Enforcement.** A party to a decision of the board under this chapter may bring a civil
6 action in Superior Court to enforce a decision of the board.

7 **4. Applicability of State Board of Arbitration and Conciliation provisions.** The
8 following provisions apply to board proceedings under this chapter:

9 A. To the extent not inconsistent with this chapter, section 931; and

10 B. Sections 932 and 939.

11 **§3707. Rules**

12 The State Board of Arbitration and Conciliation in accordance with section 931 may
13 adopt rules to implement this chapter. Rules adopted pursuant to this section are routine
14 technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
16 number to read consecutively.

17 **SUMMARY**

18 This amendment, which is the majority report of the committee, clarifies the provisions
19 pertaining to the Logging Dispute Resolution Board as follows.

20 1. It specifies that the Logging Dispute Resolution Board is under the authority of the
21 State Board of Arbitration and Conciliation.

22 2. It specifies that the chair of the State Board of Arbitration and Conciliation serves
23 as chair of the Logging Dispute Resolution Board.

24 3. It specifies the terms and compensation for members of the Logging Dispute
25 Resolution Board.

26 4. It defines the terms "forest land," "forest landowner" and "forest products harvester."

27 5. It provides that a forest products harvester or forest landowner may file a complaint,
28 but not more than 2 years after an alleged dispute.

29 6. It authorizes the State Board of Arbitration and Conciliation to make routine
30 technical rules on matters relating to the Logging Dispute Resolution Board.

31 7. It provides that a decision of the Logging Dispute Resolution Board is subject to
32 judicial review.

33 **FISCAL NOTE REQUIRED**

34 **(See attached)**