



Testimony in Opposition to LD 1815

An Act to Protect Maine's Consumers by Establishing an Abuse of Dominance Right of Action and Requiring Notification of Mergers

Senator Curry, Representative Roberts and members of the Committee on Innovation, Development, Economic Advancement and Business, my name is Anthony Hourihan and I represent Irving Woodlands and Irving Forest Products. Irving Woodlands owns and manages close to 1.3 million acres of forest land in the State, and we have been landowners in the State since 1946. We also operate 2 state of the art sawmills in Dixfield, Maine and one in Nashville Plantation.

We are submitting testimony in opposition to LD 1815. We feel that the entire section 1120-K under Chapter 201-B should be eliminated. Federal ant-trust laws have been very successful and have gone largely unchanged for more than a century, due to their effectiveness. The section as written provides no insight into what constitutes a "Dominant Position" and what the impact is on a market, it is just setting up an opportunity for business owners to have to defend in the courts if someone feels they have a right to litigate.

Irving is concerned with the lack of definition as to what constitutes a market, is it a lot, a town, a county this is unknown. There is language in 4. C that specifies that a Court may not require definition of a relevant market, which is very troubling. As well the bill defines Dominance as "The unilateral power of a person to set prices, terms, conditions or standards", when we are contracting harvesting and trucking services, we seek independent contractors who are willing to work for set prices, terms and conditions related to where wood is delivered, the specification of products, and the quality of the job on the ground. We do not believe this is Dominance, we believe this is our rights as a buyer of services. The same holds true at our mills we require certain specifications to be successful.

There are many challenges in the wood products commodity business, and we do not need more complications, and possible litigation to fix a problem that is already well regulated under existing State and Federal Laws. In short these new and restrictive laws are not required in a system that is working, and we urge you to vote Ought Not To Pass on LD 1815.

Thank you for your consideration.

Anthony Hourihan
Irving Woodlands