



# Maine Forest Products Council

*The voice of Maine's forest economy*

## Companies represented on the MFPC Board

A & A Brochu Logging  
American Forest Mgmt.  
Baskahegan Co.  
BBC Land, LLC  
Columbia Forest Prod.  
Cross Insurance  
Family Forestry  
Farm Credit East  
Fontaine Inc.  
H.C. Haynes  
Huber Resources  
INRS  
J.D. Irving  
Katahdin Forest Mgmt.  
Key Bank  
Kennebec Lumber  
LandVest Inc.  
Louisiana Pacific  
Maibec Logging  
ND Paper  
Nicols Brothers  
Pingree Associates  
Prentiss & Carlisle  
ReEnergy  
Richard Wing & Son  
Robbins Lumber  
Sappi North America  
Southern Maine Forestry  
Stead Timberlands  
St. Croix Tissue  
St. Croix Chipping  
TD Bank  
Timber Resource Group  
Timberstate G.  
Wadsworth Woodlands  
Wagner Forest Mgt.  
Weyerhaeuser  
Woodland Pulp

## Testimony in Opposition to LD 1794 (as amended)

### "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees"

March 21, 2024

Patrick Strauch, Executive Director

Senator Tipping, Representative Roeder, and distinguished members of the Labor and Housing Committee, my name is Patrick Strauch. I am a resident of Exeter, Maine and am submitting testimony today on behalf of the Maine Forest Products Council in continued strong opposition to LD 1794. Last May, this committee held a public hearing on this bill (our original testimony is attached). Since that time, deadlines have come and gone, yet this bill has remained dormant. Now, here we are, in the final days of committee work, considering an amended version of the bill that the public has been given just two days to consider. Having already received a hearing, the public will not have an opportunity to formally weigh in on this language before a potential vote. For that reason, please accept this written testimony on behalf of the Council.

The Maine Forest Products Council still has significant issues with this bill, and we don't consider the amendment to be an adequate fix. Even as amended, this bill still contains significant legal issues that our industry will be forced to challenge if enacted. The committee should carefully consider whether this proposal is preempted by the National Labor Relations Act.

The amendment before you today continues to represent a one-sided conversation that threatens one sector of Maine's manufacturing industry. Simply put, it will force pulp and paper companies to periodically shut machines down, resulting in lost production and benefits for workers and Maine's economy.

The culture and needs of each pulp and paper company differ greatly. It is nearly impossible, without sitting behind the bargaining table, to get details like the ones included in this amendment right. Leave time and overtime requirements are negotiated for in the collective bargaining process, with each mill having different contract terms. In attempting to take a one-size-fits-all approach, the proposal before you contains conflicting and unclear language that will leave mills and employees at risk for significant arbitration.

Some of our specific concerns include:

- If the rationale behind limiting mandatory overtime is for the safety of employees, this bill does not correct that issue. It still allows for voluntary 24-hour shifts.

- Bringing these negotiations into the legislative arena can limit beneficial worker arrangements.
- The two-day notice period is not workable when situations arise. When a team member calls in sick, employers are left with notice as short as a few hours. Given the technical nature of many mill positions, it is impractical to assume that there are always qualified voluntary replacements available for vacancies. The result of this policy would be for machines to be idled and workers sent home.

The Council remains puzzled as to why this industry, which has lost so many companies and jobs over the last several decades, is being held to an unreasonable operating standard when other 24/7 manufacturing operations within the state have the same staffing issues and overtime pressures.

When candidates apply for employment at mills, they are aware of the nature of the work: 12-hour shifts, rotating shifts, and the protocols for both voluntary and mandatory overtime. While this can sometimes create inconveniences for the employees, it also provides an extremely competitive benefit package and pay that is near the top of manufacturing jobs within the State.

In closing, this is still a bad bill for the employees within our industry, and it is a bad bill for the pulp and paper companies trying to operate within the state. We urge members of the committee to vote against it.



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## Testimony in Opposition to LD 1794

### "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees"

May 17, 2023

Senator Tipping, Representative Roeder, and distinguished members of the Labor and Housing Committee, my name is Ryan McAvoy, and I am here to represent the Maine Forest Products Council. I am the President of the MFPC and the Wood Procurement Manager for Sappi North America's Northeast Region.

I am here to express our deep reservations regarding LD 1794.

First, this bill targets a single industry, the forestry industry, which has been identified as critical to the State's 10-year Economic Plan. It is puzzling why this industry, which has lost so many companies and jobs over the last several decades, is being held to an unreasonable operating standard when other 24/7 manufacturing operations within the state have the same staffing issues and overtime pressures.

In addition, the vast majority of the employees in the pulp and paper sector are represented by labor unions. The committee should carefully consider whether this proposed bill is preempted by the National Labor Relations Act. Further, we work closely with our organized partners and respect their right to negotiate labor agreements. The items brought forth in this bill are routinely negotiated across the bargaining table. That is where these issues belong, where both sides understand the operational needs of the business. Bringing these negotiations into the legislative arena can actually limit beneficial worker arrangements.

This bill would make Maine pulp and paper manufacturers less competitive in an already competitive market. Our competitors already operate in significantly lower cost regions of the country. The State of Maine continues to lose pulp and paper manufacturers, with cost competitiveness as a key reason for closure. LD 1794 would only exacerbate this industry crisis. At Sappi's Somerset Mill, if the bill became law, for any given shift, the lack of a highly trained operator could cause one of Somerset's production lines to halt for a 12-hour shift, impacting a crew of 10. In other words, nine additional employees could be impacted to accommodate one operator. The halting of a production line could also cost the business in excess of \$100,000, not including the time required to take down and start up the equipment. Multiply that by a number of shifts, and the bill could cost Sappi millions in lost revenue. The alternative would be to staff up for the "what if" situations, which would both increase costs and unnecessarily require sending employees home without pay when not needed.

When candidates apply for employment at mills like Sappi's, they are aware of the nature of the work: 12-hour shifts, rotating shifts, and requirements for overtime. While this can sometimes create inconveniences for the employees, it also provides an extremely competitive benefit package and pay that is near the top of manufacturing jobs within the State.

In closing, this is a bad bill for the employees within our industry, and it is a bad bill for the pulp and paper companies trying to operate within the state. We urge members of the committee to vote against it.