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THE MAINE SENATE
130th Legislature

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Testimony in Support of LD 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”

Presented to the Joint Standing Committee on Labor and Housing

March 8, 2022

Good morning Senator Daughtry, Representative Sylvester, and esteemed members of the Joint Standing Committee on Labor and Housing. My name is Troy Jackson. I have the honor of representing the good people of northern Aroostook County in Senate District 1 and serving as President of the Maine Senate. I'm here today to introduce LD 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."

For generations, Mainers in Aroostook County and rural parts of this state have worked hard to make a good living in natural resource-based industries. These heritage industries from farming to forestry continue to power our communities and economy today. As a fifth-generation logger, I know that the forest products industry has evolved dramatically to embrace new technology and capture new markets. However, one thing remains the same — no matter the price of wood or the demand in the market; logging contractors have limited options when it comes to contract violations. That's why I've introduced legislation to create a logging dispute resolution board.

When an employer violates a contract or a workplace policy, a regular employee has a number of options for filing some sort of grievance against their employer. However, the only way a logging contractor can file a grievance against a landowner is to sue that landowner in court. For ordinary working-class people, this really isn't an option. To put it simply — it requires a whole lot of time and money that most folks don't have. And it's a huge risk. The logging contractor who takes a landowner to court over a breach of contract will likely never work in the industry again. Instead, they will spend a lot of money on a lawyer, if they can even find one in the area, to go up against a large corporation's team of lawyers over a lawsuit that could get dragged out in court. This is a system that is designed to fail.

Maine landowners and logging contractors deserve to know that when either party signs a contract, they are signing an agreement that can be enforced. It's not a guide or a suggestion,

it is a legal document that both parties must abide by. A logging dispute board is necessary to ensure that these contractors are fairly enforced especially as issues come up related to market imperfections. One example includes concentrated land ownership and geographic locations that are remote and difficult to regulate.

The logging dispute board would hear disputes regarding the hiring of contractors, contract violations and fair payouts for contractors, especially those concerning rate setting and timely payment. This board would include a representative from the Maine Forest Products Council, a logging contractor or an individual with arbitration experience, and a member of the State Board of Arbitration and Conciliation to ensure fairness and equity. The board would operate independently with the Maine Department of Labor and assist with the oversight of the Department's industry standards and laws.

As it stands, there is a gross imbalance of power within the logging industry where logging contractors have to accept the status quo, which includes contract violations, in order to earn a living to provide for their families. Logging contractors have to accept breaches of contract and other contract violations or risk putting a target on their back. It makes folks feel like they are doing something wrong by simply asking large landowners to abide by the previously agreed-upon contract. The logging dispute board will right this wrong and ensure that these contracts are enforced fairly for both logging contractors and large landowners.

The bill also deals with section 872 — proof of ownership and notification. When this original section of statute became law, proof of ownership, a form supplied by Maine DOL, which is required to be kept with the equipment, was to be shown upon request. Later, when a new administration came to power, the law was amended to thirty days. This is far from reasonable. Therefore, in the spirit of compromise, I propose a two-week delay in case of mistake or oversight. That is more than fair. The same logic holds regarding notification to the Maine DOL regarding the employment of a bonded worker. When the law was originally conceived, the notification was to be given within three days of filing. This seemed reasonable at the time, but it too was amended to 30 days. So again, in the spirit of compromise, I ask you to support a two-week lapse in the notification of a bonded worker. That gives the employer ample time and secures the notification that is necessary for the Maine DOL to do its job.

The significance of the logging industry in Maine cannot be overstated. It's an industry that is an important part of this state's economy. It isn't easy work but it wouldn't be possible without the hardworking logging contractors who cut and haul wood in the harshest of conditions. The power imbalance has always existed but it's gotten worse over time. This bill offers a simple way to ensure fairness and justice in this vital industry for everyone.

Thank you for your time and consideration this morning. I'm happy to answer any questions you may have.



CHAPTER 670

FROM 2004

H.P. 972 - L.D. 1318

**An Act To Promote the Public Interest by Providing for
Reasonable Rates of Compensation for Forest Products
Harvesting and Hauling Services**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §931, first ¶, as amended by PL 1991, c. 798, §3, 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 some association representing employers of labor, and another must be an employee or selected from some 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. Members of the board are entitled to receive \$75 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

[Top of Page](#)

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[Committee List](#) [Work Session Schedule](#) [Title & Section](#)

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