

Testimony in Opposition to 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

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Senator Daughtry, Representative Sylvester and members of the Labor and Housing Committee, my name is Peter Triandafillou, and I represent Huber Resources Corp (HRC). HRC is a timberland management firm that looks after about 600,000 acres in Maine for a variety of clients. I am testifying in opposition to LD 1724.

The tasks and operation of the proposed logging dispute board are unnecessary and confusing. HRC works with a number of professional, independent logging contractors. We have done business with some of them for decades, negotiating contracts for logging and trucking services. In the event of a contract dispute, default, or violation, either party has recourse to the court system or arbitration. The proposed board in LD 1724 inserts itself into this system. There is no way to know if the board created in this bill supersedes or is subordinate to the courts or other defined dispute resolution in contracts.

Similarly, employees of logging firms share the same protections as other workers. Discrimination claims, violations of wage and hour laws, immigration violations, and other issues are all reviewed and when necessary enforced by many State and Federal agencies. These include the Maine Human Rights Commission, Maine Department of Labor, Federal Department of Labor, OSHA, and EEOC. It is entirely unclear where this new board fits in this picture, and it addresses concerns that are already adequately addressed.

The Dispute board language is entirely too broad and open ended. In the paragraph creating the board, its duties include, "other topics as determined appropriate by the board". Similarly, "The board has all powers as are necessary to carry out its functions". There are no sideboards in these clauses. Can the board take on non-forestry issues? Can it take on police powers?

The bill declares that the costs of arbitration are borne by the party that loses. This is very unclear. Does the board have enforcement and arbitration authority, or would it refer matters to the courts or elsewhere? How would arbitration take place, and what rights do parties have to avoid arbitration and seek an answer in the courts?

The Dispute board inserts itself into existing legal systems. By doing so, it creates uncertainty and confusion, both of which deter business development and investment. This is exactly the wrong thing to do if we want to grow Maine's forest products economy.

The bill "changes the time frame for a bond worker in a logging occupation to provide proof of the employer's ownership of any logging equipment used by that worker in the course of employment from 30 to 14 calendar days." Thirty days to provide proof is a reasonable period which includes the time it takes to assemble documentation and get it properly filed. Shortening the period to fourteen days accomplishes nothing other than to increase the chances of a paperwork error.

In short LD1724 is an inappropriate solution looking for a problem. It interferes with the functioning of a variety of agencies and the courts, creates confusion, and would discourage investment. I urge you to vote "ought not to pass". Thank you for your time.