

# MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

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Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-29)**.

Report **READ** and **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-29) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Employment Opportunities for Workers in the Forest Industry"

S.P. 94 L.D. 314

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

RECTOR of Knox  
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham  
DOW of Waldoboro  
NEWENDYKE of Litchfield  
VOLK of Scarborough  
WINTLE of Garland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-32)**.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook  
GILBERT of Jay  
HERBIG of Belfast  
HUNT of Buxton  
TUTTLE of Sanford

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **JACKSON** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, the bill that we have before us today is a bill that we actually had, the very same thing, last session. If you remember, it was fairly contentious and I spoke a lot about it last session. What the bill did was, in cases where landowners weren't using Maine workers for harvesting purposes, take away their Tree Growth Tax provision. That Tree Growth Tax is money that all of us in this room and all of our constituents make up to give the landowners a tax break to harvest their wood or to maintain their land. I think it's very appropriate that we can put some restrictions on who they are using to harvest timber because we're giving them the tax break. I don't understand why we would want to give a tax break if no one in Maine is going to benefit from it, either by actually cutting and hauling the wood or by the wood going to Maine mills. In my area I couldn't tell you the exact number but I can tell you that almost all of the lumber that is harvested in my area goes to Canadian mills. The only thing really that we can get for a benefit is the actual harvesting of it. We have all kinds of problems. We've had all kinds of problems for years and years with foreign labor coming and taking the jobs that, in my opinion, should go to Maine workers. This past winter was no different. In September many of the contractors got laid off. I actually spoke with some of the landowners and they said, "Well you know the market was bad" and they had a down turn. I said, "But yet you still have Canadian contractors who are working in the St. Pamphile area." They said, "That's different." Well, I don't know how it's different but the fact is that Maine people were laid off while foreign labor was continuing to work this season, as it has every other season. I can go back a long long time. My grandfather told me stories of walking into logging camps and being refused work while there were Canadians there with their horses. It's a generational problem, obviously, that I've been pushing for all my time. It's probably the reason why I actually ran for the legislature.

I imagine that you are going to hear arguments that this is going to hurt Maine mills. I disagree. As I said, we have so much lumber being cut in Maine that is going to Canada, if there is a shortage we can certainly stop some of that lumber going to Canada and keep it here in our Maine mills. This summer I took a camera crew from Portland up and we went to St. Pamphile. It's so striking that when you come down over the top of the hill for the Quebec-Maine border that on the Maine side there is nothing, there is just trees, and right on the Quebec border there are four mills. It's like driving to Portland. The sky is lit up. There are things going on like you wouldn't believe right on the Maine border. Yet those jobs are all in Quebec and we've lost all that. The majority of the timber is coming from Maine. I went into the customs office and talked to the customs officer. He told me that from December to the middle of March, on average, 225 loads a day leave Maine and go into Canada and none is coming this way. That millions and millions of board feet that are crossing just the St. Pamphile check point. The U.S. census bureau figures that with every Maine board foot that leave Maine we're losing 13.7 full time year around jobs. I could tell you that there are probably over 15 million board feet that are leaving right there at that one check point. Then you have St. Zacharie, you have St. Juste, and you can go all the way around. It's been said that Northern Maine is the crown of Maine, well the jewels of the crown are all in Canada. That being the mills.

It would be the same thing as Canadian boats coming down into the Maine and taking the lobsters and us giving a tax break for them to do it. It'd be the same thing as people harvesting potatoes and sending them here and us giving a tax break to put our Maine farmers out of business. It's the very same argument.

I don't know of any other way to get at this problem. Like I said, last session we actually passed a bill. It went to the Governor's desk. We compromised and passed another bill instead of it. Well, the reason why I put this bill back in is because that law that we compromised on, that most of us who were here last session actually voted for, is not being followed. We asked the Department of Labor, in Appropriations hearings, if we had any other laws that the Department is not following. They said this is the only one. The reason is because one of the large Canadian contractors has been found, or been possibly been in violation of that law. If they were found to be guilty of it they would have a two year disbarment from working in Maine and the landowners don't want to lose that contractor. We're not following that law for whatever reason. I don't understand, if they are putting Maine people out of work by doing some things that are illegal I don't understand why we wouldn't want to be working to try to correct that. I sent around this article to prove that this isn't just a Northern Maine issue. This article talks about how the Katahdin Mill might be shut down for lack of supply, which would probably fly in the face of my argument. If you read the article Mike Beardsley, who is the Executive Director of the Professional Log Contractors of Maine, says that the problems for them is that they are under capacity. They could cut a lot more but they are not allowed to. There isn't a problem of getting Maine loggers to do the jobs here in Maine, there is a problem of these people being allowed to actually do the harvesting. The Professional Log Contractors of Maine, I would bet there are probably people in that organization in almost every one of our districts. They are a big organization. They feel that they have about 80% of the harvesting capacity in Maine. They are huge contractors. The Pelletiers, of the American Loggers fame; Billy Gardner; Harold Bouchard; all these big contractors are in this organization. They are saying that they are not able to cut to their capacity. They would hire more people if they were allowed to. They would put on more equipment if they were allowed to. That's exactly what my argument has been all along. People that I know, that I represent, are not afraid to invest. They are not afraid to get more equipment and put more people to work, but they are not allowed to because the landowners want this foreign labor to come in for a host of different reasons. If we are the Maine Senate and we represent the people of Maine, I don't understand why we wouldn't want to do everything we can to put Maine people to work. I am sure people are going to get up and this is going to hurt the mills. I just disagree 100%. There is all kinds of fiber. There is all kinds of wood that could be going to any Maine mills. The minimal loss of this foreign labor could certainly be picked up by Maine loggers to do the harvesting. I would encourage you to vote against the pending motion and support the Minority Report that actually puts Maine people to work over foreign workers. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I have enormous respect for my friend and colleague from Aroostook, Senator Jackson, and have learned a lot from

him serving on the Labor Committee this year. This is a challenging issue and it is an issue, as he points out, has been around for a long while. It's important to know that bonded labor, in order to meet the federal qualifications to harvest in Maine, has to meet a standard that says those jobs have been advertised and offered to Mainers, to American citizens, first and that they could not find a workforce ready, willing, and able to harvest the timber where it stands. The issue that we have here in Maine is not that there are not enough loggers. The issue is the loggers aren't where the harvest is taking place. Under the circumstance, we end up having to harvest with the workforce that is available. I agree with the good Senator from Aroostook that there has been a supply problem this year and there continues to be a supply problem, to me, again. That argues for the ability to use bonded labor when necessary in order to bring in the fiber. Finally, I think that the thing that is most disturbing about this is that it takes what is an issue of a tax benefit that applies to the land to keep us in open forested land, and not follow other paths of development for that property, to allow the forest products industries to thrive here in Maine, it puts that status, the Tree Growth status, in jeopardy by all of a sudden mixing it with what is a labor related issue and a labor related issue that is already solved at the federal level with an HTA visa and bonded labor. With that, I would encourage you all to accept the Majority Ought Not to Pass Report and follow my light. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there is no one in this room that wants to see American loggers work any more than I do but this bill would not only hurt the mills that they are supplying and hurt the people that are working in those mills but it would hurt the very loggers that it proposes to help. The Senator from Aroostook, Senator Jackson, is right. You can watch logs go north all day long and go across the border into Canada. It has nothing to do with labor. It has everything to do with a poor business climate in Maine. It has everything to do with electric rates that are so high in Maine that you can't afford to saw lumber any more. It has everything to do with the cost of doing business in Maine and there is so much difference that you can afford to transport the logs to Canada, manufacture them, and then haul them back and still be able to compete with Maine mills. It's been going on for generations. It's wrong and we need to deal with it. This is not the bill to deal with it. Those jobs have to be offered to American workers and they don't take them. What do you do if you have timber to harvest and you can't find American workers to harvest it? You need to get that wood cut so that you can get it to the mills. If the mills in Maine can't get wood, and most of them this Spring are just praying they don't run out of wood and a lot of them will, then they will be shut down because the harvest is so far down because of all kinds of other rules. We need those mills to survive. When you look at the people who are sawing lumber today in Maine, and the disadvantage that they have, for them to be able to be as successful as they are you can't help but admire them. They are great people and they don't need to get poked in the eye with a bill like this. Please vote for the Majority Ought Not to Pass Report.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you Mr. President. This legislation doesn't prohibit the use of bonded labor. It doesn't prohibit folks from bringing in people from Canada to do the work. What this bill does do is say that we are not going to use Maine tax dollars to help support that effort. At the end of the day we've got to decide what we want to spend our money on and every tax break is a form of spending our money to help some individual or some group. Here we are providing a tax benefit to landowners who are looking past Maine workers and bringing in out-of-state workers. If Canada wants to provide tax benefits to those landowners so their folks can work, great, they can do it. If Canada wants to provide tax benefits to help get those workers down, fine. That's not our responsibility. Maine tax breaks should be given to help Maine people and if they are not going to do it we should end the tax break. The idea here is to keep this land open, let's have tree growth so that Maine people can go work those forests. Why in the world are we spending Maine money to help Canadian workers work in our forests? It's wrong. It's a bad business model. If you want Maine to be open for business let's have it open to Maine businesses and Maine workers and not simply let other people come and exploit us. Thank you, Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, in response to the previous speaker's comments related to the Tree Growth Tax program, I just would caution the Senate on the ramifications of opening up the program that we use extensively across the state to protect open space. What might the ramifications be if we go down this road of using it as a punishment for not doing what some of us might think would be better for individual workers? I know that Roxanne Quimby would like a national park in Maine. Some of her lands are in Tree Growth. I know that there are some groups that would love to take away your Tree Growth Tax break if you don't allow hunting or snowmobiling or ATVing. The road that you open up is big. Its ramifications and its ripple effects could be very damaging to the state when it comes to conservation. Imagine what is left when you take away a Tree Growth Tax Break for someone who has 10,000 acres of land and much of that land is bordering on our lakes. Your next option is development if you want to keep your taxes low. Do we want to subdivide? Imagine a decision between landowners, "Do we want to subdivide on the lake or do we want to subdivide on an area that is near, let's say, a deer yard?" What we do here by moving into this area of using tax policies as punishment could have ripple effects that go from the coast to the tip of Northern Maine. I agree with the Senator from Arostook, Senator Jackson, that this issue needs to be addressed but he's using a guillotine to do what we should be doing with fingernail clippers.

**THE PRESIDENT**: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I think it was in 2003 and 2004 that I served on the Labor Committee and one of the facts that I heard during debates such as this is that the landowners' profit, I think it was in 2003, was up 165%, yet the

harvesters, the haulers and the cutters was down 39%. I have no problem using a guillotine if that is what it takes to turn things around for Maine workers because I think our Chief Executive just put a big sign down at the beginning of Maine saying "Maine is Open for Business." Well, is it open for business for Canadian workers or are we going to start protecting Maine workers? Thank you, Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Arostook, Senator Jackson.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I want to thank the good Senator from Knox, Senator Rector, for his kind words. The Senator has been a very good Chair of the Labor Committee and I respect him very much. To say this in no disrespect to the Senator, I'm not looking for respect. I don't care if anyone respects me. I really don't. What I'm looking for is prosperity for the communities that I represent, even for the landowners. I don't really care any more what they do to me because the industry I worked in I really haven't had any great benefit from. This is an issue that continues, goes on and on, and, like I said, it's generational. People say that it needs to be rectified. No one offers any solutions. It just keeps getting swept under the carpets. This is certainly an attempt. It's something. It would cut to the heart of the problem. Do you want to give tax breaks, money from the very people that can't get work on those lands? In the Allagash we have 72,000 acres out of the 77,000 that is in Tree Growth and I would think that almost every one in the community would say that they are getting no benefit from giving that tax break. There are very few jobs that are going to the people in that community. I'd tell you, the poke in the eye is getting up in the morning and watching the Canadian trucks go by my house, going to Canadian mills, while the guys I know, guys I used to work with, are sitting in their dooryards wondering how in hell they are going to pay for their stuff. That's a poke in the eye. I have already said that all the bonds that are used for the most part are in Northern and Northwestern Maine. I would argue that the majority of that wood is going to Canada. If we get rid of the bonded labor that's not going to hurt the Maine mills because that wood is going to Canada. I mean, just forget that argument. We could certainly do something to send more of our wood to any Maine mills that are struggling. Maybe we should take the tax break that we are giving here and give it to those same people to send the wood to Maine mills? That would maybe be something I certainly could support. To give tax breaks to landowners that have every intent on using foreign labor, I think, is foolish. I challenge you to go back to your districts and tell people that you think it's a good idea to give tax breaks to companies that hire foreign workers, not Maine workers. Get out there and tell people that you are actually supporting taking their tax money and giving it to companies that don't use Maine people. I challenge you to do that. I know that this issue is out of sight, out of mind and in Northern Maine but I don't think anyone in any community is going to support that. I won't belabor it any more, but I would ask you to vote against the pending motion and support Maine people.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Knox, Senator Rector to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#31)**

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator RECTOR of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Governor To Be Elected by a Majority Vote

S.P. 187 L.D. 607

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
THOMAS of Somerset  
COLLINS of York

Representatives:  
COTTA of China  
BOLAND of Sanford  
BOLDUC of Auburn  
CELLI of Brewer  
HARVELL of Farmington  
MOULTON of York  
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-31)**.

Signed:

Senator:  
SULLIVAN of York

Representatives:

CASAVANT of Biddeford  
GRAHAM of North Yarmouth

Reports **READ**.

Senator THOMAS of Somerset moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator WOODBURY of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Sullivan.

Senator SULLIVAN: Thank you Mr. President. Men and women of the Senate, I stand just to explain my vote more than anything. I'm aware that this may not be the bill that will do this but I think the public is concerned. I know my constituents are. We need to do something to be sure that we have majority votes somehow. I'm not sure this is it but the discussion needs to begin and it's a good place to begin it here in the Senate Chamber where we make laws and we need to look at that. I'm not expecting the groundswell to say, "Oh, we think the Senator is right on this particular bill." I hope this begins the discussion that must happen and it should be happening here as we make laws. Thank you very much, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator THOMAS: Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to try not to make it a habit to speak two or three times every day but since this bill came through our committee I'd like to explain it. It seems like a great idea at first. The Chief Executive of any state should have a mandate when they take office. That mandate would start 50% of the vote plus one. How do you get there when you have three or four or five different candidates? It's been a long, long time since we had a Governor with a majority support with the exception of once in the last few years. This bill extends the time and drives the cost up so that it gets very, very expensive. In the end that Chief Executive may not have as much of a mandate as he would have had had we allowed the original vote to stand. What has to happen, if the top vote getter, the majority winner under our system now, doesn't get 50% of the vote then the first and second top vote getters would have a run-off. It says instant run-off but it takes 20 days to gather up all the votes and get them to Augusta and count them. That is the process that we go through. Then if there is a recount between second and third place that means we have to have a statewide recount. We might have a clear winner in the majority of votes, in the plurality of votes, but not have a clear winner in the second and third place contestants, so we'd have to have a recount. That takes time. Then the Legislature has to meet in joint session in order to pick a time for that run-off. We meet the first part of December, if there is no recount. If there is a recount it might be later. Then we're having a run-off election at a time when snow storms are prevalent in Maine, or we could have a real bad ice storm, so the turn out is less and chances are, in a run-off election, that the turn out would be less than it would in the first election anyways. After spending all this money to