

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 S.P. 444 - L.D. 1459

An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

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

Sec. 1. 13 MRSA §1774, sub-§6-A, as enacted by PL 1971, c. 502, is amended to read:

6-A. Independent agricultural contractor. "Independent agricultural contractor" means a person who grows under contract, or who harvests or hauls forest products under contract, as ~~his~~ the person's primary activity or as part of a general agricultural activity.

Sec. 2. 13 MRSA §1953, as enacted by PL 1973, c. 621, §1, is amended to read:

§1953. Legislative findings and purpose

Because agricultural products are produced by numerous individual farmers and independent agricultural contractors, the marketing and bargaining position of individual farmers and independent agricultural contractors will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Furthermore, membership by a farmer or independent agricultural contractor in a cooperative organization can only be meaningful; if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of the members of such organization who have had a previous course of dealing with such handler. The purpose of this Article is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale and marketing of agricultural products and to provide for the enforcement of such obligation.

Sec. 3. 13 MRSA §1955, sub-§5, as enacted by PL 1973, c. 621, §1, is amended to read:

5. Producer. "Producer" means a person engaged in the production of agricultural products, ~~excluding forest products~~, as a farmer, planter, rancher, ~~poultryman~~ poultry

~~farmer, dairyman~~ dairy farmer, fruit, vegetable or nut grower, or independent agricultural contractor as specified in section 1774, subsections 6-A and 8-A. If a producer is also a handler, ~~he shall be the producer~~ is considered only a handler for the purposes of this Act.

Sec. 4. 13 MRSA §1957, sub-§3, ¶D, as amended by PL 1991, c. 116, is further amended to read:

D. The association represents ~~51% of the 10 or more~~ 10 or more producers ~~or produced at least 1/2 of the volume~~ of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months, ~~not including any volume produced by the handler, its subsidiaries, agents or employees or procured by the handler from sources other than producers~~; for the purposes of this article, members of ~~farmer~~ agricultural cooperatives are counted as individual ~~farmer~~ members; if the board has reasonable cause to question such representation, the board shall require a secret ballot election to certify the ~~percentage~~ of representation; and

Sec. 5. 13 MRSA §1958-B, sub-§5-A, ¶D, as enacted by PL 1989, c. 703, §3, is amended to read:

D. The producer's costs of production including the cost that would be involved in paying ~~farm~~ labor a fair wage rate;

Sec. 6. Legislative findings. The Legislature finds that:

1. The harvesting and hauling of forest products are performed by numerous loggers and forest products haulers who individually are not able to bargain effectively with forest landowners;

2. The marketing and bargaining position of individual loggers and forest products haulers is adversely affected unless they are free to join together voluntarily in cooperative organizations;

3. The inequity of power in determining compensation and the lack of opportunity to join together in bargaining over compensation can result in unfair contract rates for the services of loggers and forest products haulers; and

4. It is in the public interest to:

A. Promote, foster and encourage the intelligent and orderly marketing of forest products, as well as other agricultural products;

B. Make the distribution of forest products, as well as other agricultural products, between producer and consumer as direct as can be efficiently done and eliminate speculation and waste;

C. Stabilize the marketing of forest products, as well as other agricultural products;

D. Expand application of the Maine Agricultural Marketing and Bargaining Act of 1973 to include harvesters and haulers of forest products; and

E. Ensure consistency with the federal Clayton Act, 15 United States Code, Section 45(a)(1).