

CHAPTER 47

LOGGING DISPUTE RESOLUTION BOARD

§3701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 665, §4 (NEW).]

1. Board. "Board" means the Logging Dispute Resolution Board established in section 3702. [PL 2021, c. 665, §4 (NEW).]

2. Forest land. "Forest land" means land used primarily for growth of trees to be harvested for commercial use. [PL 2021, c. 665, §4 (NEW).]

3. Forest landowner. "Forest landowner" means a person that owns or possesses economic control over more than 50,000 acres of forest land. [PL 2021, c. 665, §4 (NEW).]

4. Forest products harvester or hauler. "Forest products harvester or hauler" means an individual who qualifies as an independent contractor under section 1043, subsection 11, paragraph E and who is engaged in harvesting or hauling trees from forest land for a forest landowner. [PL 2023, c. 102, §1 (AMD).]

REVISOR'S NOTE: §3701. Definitions (As enacted by PL 2021, c. 688, §2 is REALLOCATED TO TITLE 26, SECTION 3801)

SECTION HISTORY

PL 2021, c. 665, §4 (NEW). PL 2023, c. 102, §1 (AMD).

§3702. Establishment

1. Establishment. The Logging Dispute Resolution Board is established, under the authority of the State Board of Arbitration and Conciliation established in chapter 9, subchapter 2-A, to conduct proceedings under this chapter. [PL 2021, c. 665, §4 (NEW).]

REVISOR'S NOTE: §3702. Essential Support Workforce Advisory Committee (As enacted by PL 2021, c. 688, §2 is REALLOCATED TO TITLE 26, SECTION 3802)

SECTION HISTORY

PL 2021, c. 665, §4 (NEW).

§3703. Members; terms; compensation; quorum

1. Members. The board consists of the following 3 members:

A. Two members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters, as follows:

(1) One member representing forest landowners; and

(2) One member with experience in dispute resolution and arbitration representing forest products harvesters or haulers from a list submitted by the Maine AFL-CIO or its successor organization; and [PL 2023, c. 102, §2 (AMD).]

B. The chair of the State Board of Arbitration and Conciliation, who serves as an ex officio member and as chair of the board. [PL 2021, c. 665, §4 (NEW).]

[PL 2023, c. 102, §2 (AMD).]

2. Terms; alternates. Members of the board appointed under subsection 1, paragraph A serve terms of 2 years. The Governor shall appoint 2 alternate members to represent each interest set forth in subsection 1, paragraph A. Alternate members serve for the same terms, have the same responsibilities and duties and are entitled to the same privileges and emoluments as members. The alternate chairs of the State Board of Arbitration and Conciliation under section 931 shall serve as alternate chairs of the board. When for any reason a member of the board cannot participate in a particular proceeding, an alternate member having the same qualifications shall act as a member of the board in that proceeding. The member described in subsection 1, paragraph B does not need to be the same individual in each proceeding.

[PL 2021, c. 665, §4 (NEW).]

3. Compensation of members. Notwithstanding Title 5, section 12004-B, subsection 1, the chair of the board is entitled to a rate of compensation of \$300 per day for participating in board proceedings. The other members are entitled to a rate of compensation of \$200 per day. All board members are entitled to travel and other expenses in the same manner as for State Board of Arbitration and Conciliation members under section 931.

[PL 2021, c. 665, §4 (NEW).]

4. Quorum. Two members of the board constitute a quorum. A vacancy in the board does not impair the power of the remaining members to exercise the powers of the board.

[PL 2021, c. 665, §4 (NEW).]

REVISOR'S NOTE: §3703. Repeal (As enacted by PL 2021, c. 688, §2 is REALLOCATED TO TITLE 26, SECTION 3803)

SECTION HISTORY

PL 2021, c. 665, §4 (NEW). PL 2023, c. 102, §2 (AMD).

§3704. Board duties

The board may hear and decide disputes between a forest products harvester or hauler and forest landowner in accordance with this section related to wage violations, payout amounts, contract violations or disputes related to hiring. [PL 2023, c. 102, §3 (AMD).]

At a hearing, the board shall hear all interested persons who come before it and make an award, if appropriate, and written opinion, which is binding on the parties to the complaint. The chair of the board shall publish the board's written opinion and any award. [PL 2021, c. 665, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 665, §4 (NEW). PL 2023, c. 102, §3 (AMD).

§3705. Filing of complaint

1. Who may file complaint. A forest products harvester or hauler or forest landowner may file a complaint with the board stating the facts of a dispute. The filing must contain any information as required by the board by rule.

[PL 2023, c. 102, §4 (AMD).]

2. Limitation on time to file complaint. A forest products harvester or hauler or forest landowner may not file a complaint more than 2 years after an alleged dispute.

[PL 2023, c. 102, §4 (AMD).]

SECTION HISTORY

PL 2021, c. 665, §4 (NEW). PL 2023, c. 102, §4 (AMD).

§3706. Proceedings

1. Cost. The costs of board members' per diem and necessary expenses, as well as related state allocation program charges, must be borne by the party against whom the board decides. The Executive Director of the Maine Labor Relations Board is authorized to collect any sums due and payable pursuant to this subsection through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action.

[PL 2021, c. 665, §4 (NEW).]

2. Appeal. A decision of the board under this chapter constitutes a final agency action and is subject to judicial review pursuant to Title 5, chapter 375, subchapter 7.

[PL 2021, c. 665, §4 (NEW).]

3. Enforcement. A party to a decision of the board under this chapter may bring a civil action in Superior Court to enforce a decision of the board.

[PL 2021, c. 665, §4 (NEW).]

4. Applicability of State Board of Arbitration and Conciliation provisions. The following provisions apply to board proceedings under this chapter:

A. To the extent not inconsistent with this chapter, section 931; and [PL 2021, c. 665, §4 (NEW).]

B. Sections 932 and 939. [PL 2021, c. 665, §4 (NEW).]
[PL 2021, c. 665, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 665, §4 (NEW).

§3707. Rules

The State Board of Arbitration and Conciliation in accordance with section 931 may adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 665, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 665, §4 (NEW).

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