



Maine Forest Products Council

Maine's woods are working

April 12, 2013

Senator John L. Patrick (D-Oxford), Chair
Representative Erin D. Herbig (D-Belfast), Chair
Labor, Commerce, Research and Economic Development Committee

Dear Senator Patrick, Representative Herbig and members of the Labor, Commerce, Research and Economic Development Committee,

As I told you Tuesday and in our written testimony, MFPC opposes LD 1103 – a resurrected version of LD 314 from the 125th Legislature – because it is bad policy, unfair, unnecessary and inappropriately connects fire protection, Tree Growth taxation, and bonded labor. I hope you will consider all of those points. But I'm writing today about the sixth reason, one that as lawmakers you should find compelling.

Rarely will a bill come before you that would violate three clauses of the U.S. Constitution: the Foreign Commerce Clause, the Supremacy Clause and the Equal Protection Clause. LD 1103 would do just that, according to Jonathan Block and Charles Einsiedler of Pierce Atwood (who reviewed the copy of LD 314 submitted as an amendment).

They also pointed out a very disturbing theme in this bill: discrimination.

LD 1103 discriminates against foreign commerce.

It encourages landowners "to violate federal anti-discrimination laws."

It **requires** landowners to discriminate against bond workers -- or face additional taxes -- "simply because they are Canadian."

As the letter notes, "the only state interest that the sponsors of LD 314 appear to be articulating is Maine's interest in preferring U.S. workers over Canadian workers. Such a purpose is facially discriminatory ..."

It's unlikely the law proposed would survive federal scrutiny, but even more importantly we don't believe Maine legislators or citizens support discrimination or bills that attempt to legalize it.

Respectfully,

A handwritten signature in black ink that reads "Patrick J. Strauch". The signature is fluid and cursive, with a long horizontal line extending to the right.

Patrick Strauch,
Executive director