



Testimony of the Maine Organic Farmers and Gardeners Association

in qualified support of

LD 2273 - *An Act to Establish a State Minimum Hourly Wage for Agricultural Workers*

March 26, 2024

Good afternoon Senator Tipping, Representative Roeder and members of the Labor and Housing Committee. My name is Heather Spalding and I am Deputy Director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking today in qualified support of LD 2273 - *An Act to Establish a State Minimum Hourly Wage for Agricultural Workers*.

MOFGA is working to build a food system that is healthy and fair for all of us. Through education, training and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities. MOFGA certifies 526 organic farms and processing operations representing more than \$120 million in sales and we are working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.

I have come before this committee several times advocating for farmworkers to receive the same basic labor protections that nearly every other worker in the state enjoys. Change comes slowly and after many years of debate and stakeholder discussions, we are encouraged to see Maine moving closer to a long-overdue labor reform – people who carry out physically demanding and essential farm work in all kinds of weather will be assured of the same Maine minimum wage that other employees earn. Currently, Maine farmworkers can only be assured of the national minimum wage of \$7.25 – just over half of Maine's minimum wage of \$14.15. The bill also ensures that farmworkers receive a paystub, so they have an accurate record of their hours worked and compensation for it. These are welcome changes to Maine labor law and we appreciate that Governor Mills and her staff in the Department of Agriculture, Conservation and Forestry (DACF) and the Department of Labor (DOL) are embracing these changes.

I participated in both farmworker minimum wage stakeholder groups that convened during the last legislative session and again during the fall of 2023. A detailed report from DACF and DOL<sup>1</sup> came out of that process and included many recommendations beyond the simple language of LD 2273. Though we are pleased with the incremental steps forward, we do have some concerns and recommendations for strengthening the bill.

Our primary concern is about the bill's stripping the private right of action from Maine farmworkers. In current law Maine farmworkers have neither the right to collective bargaining nor protection for concerted activity such as merely discussing labor conditions with their coworkers or employers. Though we feel that farmworkers should be entitled to those rights, we conceded the points in negotiations last year, and they did

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<sup>1</sup> Committee to Develop and Implement a Minimum Wage Bill for Agricultural Workers. Co-Chairs Report. February 2024. Laura Fortman, Commissioner, Maine Department of Labor. Nancy McBrady, Deputy Commissioner, Maine Department of Agriculture, Conservation & Forestry. Note recommendations on page 23.



not appear in LD 2273. Never did the stakeholder groups discuss the idea that farmworkers who felt that their minimum wage rights had been violated would have to rely on Maine's Department of Labor to run interference for them. Governor Mills questioned the metamorphosis of the farmworker minimum wage bill in the last session to the extent that she vetoed LD 398. We are disappointed that such a significant limitation on farmworkers' right to defend themselves came out of left field without an opportunity for the stakeholder group to discuss the implications. We strongly encourage the Labor and Housing Committee to ensure that farmworkers have a private right of action as we work to create a socially just food and agriculture system.

We also feel strongly that farmworkers should be entitled to an unpaid rest break after six hours of work as well as a protection from excessive overtime hours. There should be no question that workers who carry out such physically demanding and sometimes dangerous work should be able to take a break after working 160 hours in a two-week period without fear of losing their jobs. Already, Maine farmworkers are not eligible for the overtime payments that all other workers in Maine enjoy so it is all-the-more important that they are able to take time off when they are exhausted or need to tend to personal matters.

MOFGA has acknowledged before and we will do so again that as an employer of more 50 individuals we strive to provide excellent employee compensation and generous benefits. We achieve our employment goals through revenue and support that generally are foreign to a Maine farm business plan. Charitable giving and volunteerism are cornerstones of MOFGA's financial wellbeing. Our staff is ever grateful for this support, and we are mindful of the limited range of revenue options available to our core stakeholders – the farmers - many of whom are very close to their profit margins. We know that for many farms labor represents a very large percentage of the business plan. We also know that our farmers report paying well above Maine's minimum wage and many pay overtime and provide benefits and other incentives that help build an enthusiastic and dedicated workforce. While some of our farmers express concern about their ability to meet the demands of other proposed labor laws, they are supportive of ensuring Maine's minimum wage for farmworkers.

Thank you for your consideration of MOFGA's testimony. I urge you to support the three simple but important amendments to the bill and then send it on to the House, Senate and Governor Mills so farmworkers may begin to enjoy some of the essential labor rights that other Maine workers enjoy.

I would be happy to answer questions if you have any.

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*The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$120 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.*