



Testimony of the Maine Organic Farmers and Gardeners Association

generally in support of

LD 589 - *An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws*

April 2, 2025

Good morning Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). A broad-based community, MOFGA is transforming our food system by supporting farmers, empowering people to feed their communities, and advocating for an organic future. MOFGA certifies 537 organic farms and processing operations representing more than \$120 million in sales. We're 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 am speaking today generally in support of LD 589 - *An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws*. We thank Senator Talbot Ross for her continuing leadership in addressing farmworker rights. LD 598 removes the exemption of farmworkers from the state's definition of "employee" in Title 26: LABOR AND INDUSTRY, Chapter 7: EMPLOYMENT PRACTICES, Subchapter 3: MINIMUM WAGES, §663. Definitions. This is an important step toward farmworker justice as it will ensure that farmworkers have the same rights that nearly all other workers in Maine enjoy. The bill establishes that an employer may not require a farmworker to work more than 80 hours of overtime in any consecutive 2-week period. It also provides that agricultural employees are subject to the laws that set a minimum wage and overtime rate, phasing in overtime pay over the next three years. It provides that the laws that set an overtime rate apply to certain activities related to agricultural produce, meat and fish products and perishable foods.

Ensuring that farm workers have access to minimum wage and overtime is essential for our quest for a fair and healthy food system. We also must place greater value on fresh, local, healthy food, recognizing the true costs of production, and the urgent need for supporting farm businesses so they can pay living wages to their workers. We believe this is within our reach and we believe that we must prioritize addressing social injustice if we hope to have a truly sustainable food and agriculture system.

MOFGA staff members, farmers and farm workers have had thoughtful and informative discussions about farmworker justice legislation. While there are varying points of view about our path to a fair and healthy food system for all, our organization supports the goal of giving agricultural employees, seasonal farm employees, and workers in related food processing the same minimum wage eligibility that all other workers in Maine have. We also support a phased in period for overtime eligibility and feel that it should recognize and keep pace with escalating costs of production for farmers, which may mean longer intervals for the stepped process. It also means increased public funding to help farmers whose profit margins are narrow. We would



like to work with this committee and the Joint Standing Committee on Agriculture, Conservation and Forestry, as well as the Department of Labor to explore opportunities to make this work for all stakeholders.

Several of our farmers report that they already pay their workers minimum wage as well as overtime, which amounts to more than they pay themselves. They note that our economic and political systems are out of whack when it comes to farming, as they artificially suppress the true costs of food. Farmers need to earn more for the food they provide in order to pay livable wages to their workers. We understand that this could present a circular challenge and increasing food prices could lead to exacerbating Maine's very real problem of food insecurity. The government already plays a huge role in subsidizing our food and agriculture systems though that public support is under attack now at the federal level, with the Trump administration freezing farm grants and loans, and placing supplemental nutrition assistance in its crosshairs. We need to ensure that more public funding goes to Maine's farmers who work so hard to provide healthy, local and affordable food for Maine people.

MOFGA appreciates that this bill strives to support farm workers, holding them in high esteem. We also know that Maine's small farm economy is fragile. We must work on economic justice for small farms. The federal government's massive agricultural subsidies to industrial agriculture, especially corn and soy production, should be reconsidered in the interests of small farm owners being able to pay themselves at least as much as they pay their workers.

Awareness of food and agriculture is growing in Maine, and we are excited about the emphasis that the Mills Administration is placing on strengthening our agricultural economy. Several other states have laws requiring overtime for farm workers. California's overtime law applies to all farm workers, while laws in Washington, Minnesota, New York, Maryland, Oregon, Colorado and Hawaii provide overtime with some exceptions. Clearly we need reform at the federal level but Congressional action is tortuously slow.

We urge your support for farmworker minimum wage and overtime legislation, and we look forward to more discussions and creative solutions to the very real challenges of our farm economy. Thank you for your careful consideration.

Thank you for your consideration of MOFGA's testimony. I would be happy to answer questions if you have any.