

131st Maine Legislature's Committee on Labor & Housing

LD2273: An Act to Establish a State Minimum Hourly Wage for Agricultural Workers

Chair Tipping, Chair Roeder and esteemed members of the Labor and Housing Committee:

My name is Jenni Tilton-Flood and I am an owner and manager at Flood Brothers, LLC in Clinton, Maine. Our dairy farm is operated and owned by a 3 generation family that represents 15 family members, and 6 households. Our family farm is home to 4,200 animals, 2,200 of which we milk everyday and produce 18,000 gallons of milk which finds its way onto our neighbours' tables within 24-48 hours after it leaves our farm. As a part of Maine agriculture our farm provides more than just an economic impact for our State-we are an integral part of the food system providing fresh, high quality food and truly impacting the triple bottom line of sustainability. Minimum wage is an important opportunity to further invest in the sustainability of Maine Agriculture and the equity and justice of our food system and on our farm we meet and oftentimes exceed the minimum wage and offer other benefits necessary to be an employer of choice.

I am submitting this testimony in partial support of LD 2273. I think it is important as you move into work session to consider and find an answer as to why it was deemed necessary to give the Department of Labor exclusive authority to bring an action for unpaid wages on behalf of an employee or employees under this section. But otherwise, basically, it's about damn time.

On our farm we employ, on average, 47 FT/1 PT people a week. (2 of whom are family members receiving a paycheck based upon the same scale and rate of their coworkers, 5 additional family members not included in the number of employees but are daily participants in the operation, work and management of the farm and are not on the weekly payroll). Our wage paid is currently at the Maine state minimum or higher, depending upon role and length of employment, (through the years our average wage has, at times, been more than twice than the Maine minimum) and has applied to all employees, regardless as to whether they are students or adults, full time or part time. At the height of our crop season our payroll can increase to more than 50 employees, many of those additional employees are retirees or high school students and they are also paid the Maine minimum or above.

For our eligible full time employees (and around 99% of our employees are full time) we offer, above their hourly wage:

Health Insurance

Cost sharing of health insurance for the employee's family members

HRA

PTO

Flexibility in scheduling

Bonuses

For many of our employees we also offer, above their hourly wage:

Housing(both reimbursement of rent as well as a few homes we have ended up purchasing)

Utilities

Heating fuel

Most of our employees receive all or 98-99% of the above benefits. Our workforce is diverse and includes men, women, foreign born employees and those born in US. We measure our job retention, for all employees, in years and decades, not months; we have multiple generations of families working with us; we have seen the retirement of employees that have outlasted our own family members lifetimes; we have seen romances begin and new families start on the farm (we've seen some of the more not so fairy tale

romances too-but, that's life); and most importantly we have seen the dream of home ownership and the building of dream homes right here in Maine by employees and co-workers happen. I firmly believe that it is due, in part, to the benefits above hourly wage that we are able to provide the folks who work so hard to help us care for our animals and land and produce high quality, fresh, local milk. We compete with other industries for skilled and dedicated work force...multiple mills, school districts, health care, retail, and municipal and State jobs. We compete against industries that are able to recoup their investments and inputs out of the marketplace. As a dairy farm we are unable to do so, however that is no justification for a failure to provide the basic tenets of employment as listed above regarding minimum wage. In a perfect world we should be able to meet all the other needs and rights of labour and workforce but this world is not perfect and it would be, at this point, detrimental to not only our sector but also to those who are members of the workforce, to meet all those other requirements provided to employees outside of ag as it would specifically result in a reduction of the benefits and additional compensation we currently provide that are not typical or even part and parcel of other industries. (In other words it would result in higher out of pocket spending by employees and leave them with less).

We may be an outlier but that is beside the point. What is more imperative is that the Maine dairy industry should be firmly, solidly, and on record as being in support of the minimum wage on our dairy farms and for year round farm employment, regardless of size and number of employees as well as the accompanying record keeping. Minimum wage on Maine dairy farms and year round farms, regardless of size and number of employees, should be required by law. Dairy farms and other year round agricultural employers, regardless of size and number of employees, should be required to keep accurate records and provide employees with a pay statement.

More importantly: our legislators, farmer and farm worker organizations, processors, retailers, and the Governor's office should be actively engaged in dismantling the barriers and legal confines that enable marginalization of ag workers, especially those who are foreign born and come to the US and to Maine to work. The President of the United States has the tools necessary to provide workforce authorization for those ensuring our local, regional, and national food systems are secured and productive through their skilled and dedicated labour, both currently and in the future by means of work permits via expand parole, Temporary Protected Status (TPS) and Deferred Enforced Departure (DED). We need to ensure that those working in ag, *all of those working in ag*, are safe, secure and protected not just on a farm but where they live, pay taxes, invest their money, worship, contribute to their communities and raise their families-including the next generation of Americans. Providing these securities and rights would level the playing field and the growing fields far more equitably and justly than by trying to do so solely in a Subchapter of labour law.

As always, I welcome any of you to visit our family farm or to ask questions. Thank you for your time and attention and your continued work as citizen legislators.

Sincerely and with Gratitude,

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