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**Testimony of Jeannie M. Tapley, Executive Director,
Maine Potato Board to the Joint Standing Committee on Labor**

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**LD 588 – An Act to Enact the Agricultural Employees Concerted Activity
Protection Act**

Senator Tipping, Representative Roeder, and members of the Labor Committee; I am Jeannie Tapley, Executive Director for the Maine Potato Board (MPB) and would like to express the MPB's opposition to LD 588: An Act to Enact the Agricultural Employees Concerted Activity Protection Act.

We are here in opposition to LD 588, which if passed would be very detrimental to all agriculture in this state. As I was looking through my notes on LD525 that was in the 131st Legislature and very similar to what we have here today, I am still plagued with the question of why this bill is thought to be needed. When a farmer hires an employee, that employee knows what the job duties are and what the compensation for performing those duties will be. If an issue arises, the Maine Department of Labor Maine Monitor Advocate is available to help employees with such things as conducting field checks in the agriculture industry, providing information and advocacy for migrant and seasonal farmworker on issues such as wages, housing and discrimination and informs farmworkers of their worker rights and rights to file complaints. Concerted activity would cause another undue burden and regulation on our agricultural community.

This bill gives the perception that Maine agriculture mistreats their employees and this simply is not true. Most employees on family farms are treated as just that – family. In surveying our growers, the minimum average hourly wage for full time employees is \$23.15; the highest being over \$28.00, which is far greater than the State minimum wage and on top of that wage, most farmers provide benefits to their employees such as health and dental plans, paid time off, company vehicles, etc.

Maine potato growers understand how crucial it is to hire quality staff and do their very best to retain those employees; this bill would destroy that relationship. Passing this bill allows outside organizations to dictate what is allowed on family farms that have no invested interest other than collecting dues. This bill will simply drive a wedge between farmers and their employees.

In Maine, we have a very limited time in which to raise and harvest crops; in the potato industry, that is approximately 120 days. Agriculture is also faced with factors we have no control over such as the weather; we cannot plant a crop until ground conditions are suitable, we cannot plant in wet soil conditions and if it rains, cultivation and management of the crop during the summer is impacted. Harvesting can only begin when the crop has reached maturity and again cannot be done in wet conditions.

If concerted activity is allowed for farm workers, this could cause an interruption at crucial production times, as well as the potential to cost small farm families thousands of dollars if there arises a need for mediation, arbitration, and legal fees. Small farms cannot afford the time lost with their crops as well as the added costs this bill could cause. Farmers already have a very low profit margin and this bill could essentially drive up the cost of food for all in Maine.

The potato industry in Maine has always taken great pride in what we do, how we take care of the land, and provide healthy quality food to Maine residents and beyond; this also includes taking care of our employees. If LD 588 passes many potato growers will have to make hard business decisions to ensure they can continue to operate; in most cases they will invest in mechanization that will allow them to hire fewer employees or this may cause growers to higher more H2A workers and less local workforce. Unfortunately, farmers have been facing many serious burdens to their sustainability; from weather changes, to price pressures and competing with other agricultural states, to inflation on diesel, fertilizer, electricity, etc. Adding more burdens to Maine's small farm families may force them with the hard decision on whether to get done farming because they will not be able to afford staying in operation.

We ask that you vote ought not to pass on LD 588 and show your support for agriculture in Maine and the staff that those farm families employ. We want to help be part of the goal of 30% of the food consumed in Maine is grown in Maine by 2030 and unnecessary burdens such as this bill will hinder that progress. Thank you for your time and I will be happy to answer any questions you have; I will be available for the work session and can provide any additional information necessary.