

April 6<sup>th</sup>, 2023

Senator Michael Tipping  
Representative Amy Roder  
Members of the Committee on Labor and Housing

**RE: Testimony in Opposition to LD 1190, An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules**

My name is Eric Venturini, and I am the Executive Director of the Wild Blueberry Commission of Maine. In this role, I strive to represent the diverse voices of Maine's 485 wild blueberry producers. I am testifying before you today in strong opposition to this legislation.

I thank Senator Tipping for taking the time to meet with stakeholders last week, to discuss this and other bills before the Committee. I also thank the sponsor for raising the employment threshold to 250 workers, up from the version introduced in the 129<sup>th</sup> Legislature.

**Impact**

While there are only a few wild blueberry businesses in Maine that employ over 250 workers, we estimate that this bill could increase the labor costs to those businesses by 20% during peak harvest season. The wild blueberry operations impacted by this bill account for a significant proportion of Maine's annual wild blueberry harvest and purchase wild blueberries grown by a significant proportion of Maine's wild blueberry farms. Increases in the cost of doing business at these operations will have knock-on effects within those businesses, but also on the incomes of the farms that supply blueberries to them. This bill could reduce profitability across the entire wild blueberry industry, at a time when my farmers identify *the lack of profitability* as one of their biggest challenges.

Farm schedules shift for a number of reasons that can include:

- Weather - a week of rain means no harvesting. However, a sudden break in the clouds and a short spell of moderate weather requires all hands on deck while the good weather lasts.
- Absent employee in the processing plant – cleaning, sorting, and packing wild blueberries requires a precise number of people to maintain efficiency. If someone is missing in that chain, we will experience a loss of product and decreases in quality.
- Absent worker on a harvest crew – The harvest season is a race against the clock. An absent harvest worker will have a direct impact on crop yield.

In all of these cases, businesses that ask employees to work additional hours will trigger penalties imposed under this law.



## Exacerbating Existing Labor Challenges

The Wild Blueberry Commission of Maine has identified, over the past two years, labor challenges as the number one concern facing this industry. Agriculture, along with other sectors in the State and nationally are struggling to find a reliable workforce. Seasonal farm workers in Maine today typically receive \$15 to \$20 per hour. Despite this, many producers simply cannot find people willing to work a seasonal job, yet agriculture in Maine is unalterably seasonal.

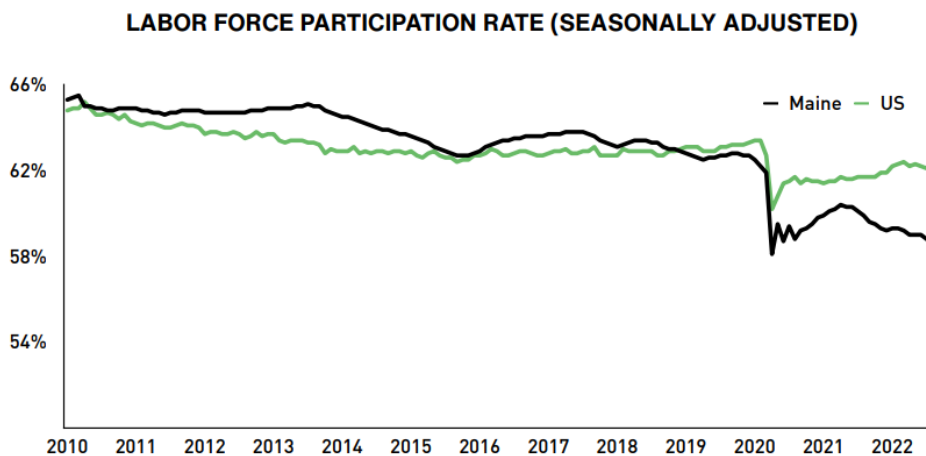
In our industry, this regulation feels unnecessary in an already challenging and costly labor market, and it would force more automation.

## Addressing a Problem

Versions of this bill have passed in:

- San Francisco (2016), affecting chain retail establishments with at least 40 locations worldwide;<sup>1</sup>
- Emeryville, CA, Seattle, WA, New York City, NY, and Oregon (2017) where bills target very large retail trade, fast food, and in one case, also hospitality.<sup>1</sup>

Perhaps in these places and times, the bill was addressing a problem. Here, in Maine, in a post-COVID labor market, every sector is facing shortages. Maine's labor force participation rate remains at the pandemic low of 58%, even as it rises elsewhere in the US.<sup>2</sup> Farms have fields that go unharvested. I spoke to two small producers last week who are edging ever closer to shutting their doors, because they cannot do all the work that a farm requires without reliable help.



Graph (at left) from the Maine Economic Growth Council (MEGC) Measures of Growth 2022 report. Available online at <http://www.mdf.org/economic-policy-research/measures-of-growth-report>

Source: Maine Department of Labor, Center for Workforce Research and Information

I respectfully ask this Committee to seek solutions to Maine's massive labor shortages and not waste time debating bills created to resolve problems in other states, in cities that we do not have.

Thank you for your time. I would be happy to try to answer any questions that you may have.

<sup>1</sup> Economic Policy Institute. 2018. <https://www.epi.org/publication/fair-workweek-laws-help-more-than-1-8-million-workers/>

<sup>2</sup> In Feb. of 2023, Maine's labor force participation rate remains at 58% according to the U.S. Bureau of Labor Statistics, Labor Force Participation Rate for Maine [LBSSA23], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LBSSA23>, April 6, 2023.

