



MOFGA Testimony In Support Of
LD 398 - *An Act to Make Agricultural Workers and Other Related Workers Employees
Under the Wage and Hour Laws*
April 18, 2023

Good afternoon Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor and Housing. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking in support of LD 398 - *An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws*. MOFGA supported this initiative in the last Legislature and we are advocating again for reform of national and state farm labor laws.

A broad-based community, MOFGA is creating 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 535 organic farms and processing operations representing roughly \$90 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.

As an employer of more 50 individuals, MOFGA strives to provide excellent employee compensation and generous benefits. I want to acknowledge that 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.

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 must prioritize addressing social injustice if we hope to have a truly sustainable food and agriculture system.

We must not balance the farm economy on the backs of farmworkers who do physically demanding, sometimes dangerous, and always essential jobs to meet the basic needs of society. Our agriculture sector is not set up to prioritize the needs of farm workers. The policies relating to farm workers are steeped in injustice. The Fair Labor Standards Act of 1938, which established minimum wage and overtime, carved out an exemption for farm workers stating that "provisions... shall not apply... to ... any employee employed in agriculture ..." The United Farmworkers led a campaign and secured minimum wage for farmworkers, but not overtime or collective bargaining. Maine also excludes farm workers from accessing our state's minimum wage and overtime. While we understand that most employers are paying Maine farm workers at least Maine's minimum wage, the legal minimum is the federal rate of \$7.25 per hour. How can we demand a rate of \$13.80 per hour for all workers except the ones who put food on our tables?

