



Janet T. Mills
GOVERNOR

STATE OF MAINE
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AUGUSTA, MAINE
04333-0001

January 7, 2022

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 151, *An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining*.

L.D. 151 is a 12-page bill that would create a new legal framework governing collective bargaining in Maine's agricultural sector. The bill would authorize agricultural workers to bargain collectively and require agricultural employers to do the same. It contains complicated provisions dictating when and how mediation and arbitration between agricultural workers and employers must take place and restricting how contracts between these parties may be modified or terminated. It also creates procedures for complaints, hearings, and enforcement by the Maine Labor Relations Board. This bill, which was a concept draft until presented at the public hearing, is complex legislation that intersects with Federal law, namely the National Labor Relations Act. Unlike a previous law that targeted one large industrial egg producer with a history of abuses^[1], this bill would apply to every farm in Maine with more than five employees, seasonal or year-round, part-time or full-time.

I have carefully reviewed the public testimony presented to the Labor and Housing Committee, which was overwhelmingly in opposition, as well as direct correspondence to me from farmers and interested parties both supporting and opposing the bill. I also listened to the extensive floor debate on both bills related to farmworkers in Maine – the other being L.D. 1022, which did not pass the Legislature.

I have worked hard throughout my time as Governor to do all I can to support agriculture in Maine. Our small, family-owned farms are cornerstones of nearly every rural community across Maine, coming together to form the backbone of an agricultural sector that is an economic engine for our state and important part of our heritage.

^[1]PL 1997, c.472, §1, repealed, 2011



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But Maine's farms are confronting a series of significant challenges, some of which are longstanding in nature while others have been worsened by the pandemic, but all of which present dire threats to the livelihoods of our farmers. For example, our dairy industry has long been under pressure from low milk prices, inconsistent Federal regulations, and competition from nondairy products. Just last year 14 organic dairy farms were notified they will lose their contracts with a global supplier of organic milk products.

The COVID-19 pandemic has also taken a significant toll on Maine's agricultural sector, disrupting supply chains, shifting markets, and, notably, contributing to an acute labor shortage in Maine and increased prices for fuel and groceries. In fact, I have heard directly from local farmers who describe the painstaking difficulty they are experiencing in attracting and retaining the workers they need to sustain operations. Farmers have also struggled against severe drought in northern and western Maine – conditions that are likely to be more common as the effects of climate change intensify – and the discovery of “forever chemicals” further threatens some farming operations.

All of these concerns about the sustainability of our farms led the Legislature in recent years to enact many protective measures, including: a Right to Farm law, 7 MRS 151; a Food Sovereignty Act (2007 and 2017), 7 MRS ch.8-F; an Agricultural Bargaining Board, 13 MRS 1956; expansion of the Land for Maine's Future program; and most recently Art I, §25 of the Maine Constitution, the Right to Grow, Raise, Harvest, Produce and Consume Food, as ratified by the voters in November 2021. The same concerns are also why my Administration has dedicated significant Federal relief funding to support the ongoing operations of farms and why, through my Maine Jobs and Recovery Plan, we are taking action to improve their processing infrastructure.

Given these serious challenges, I cannot, in good conscience, allow a bill to become law that would subject our farmers to a complicated new set of laws that would require them to hire lawyers just to understand. I am also concerned that this bill, at this time, would further burden our small, family-owned farms by saddling them with increased costs (costs that would likely be passed along to Maine people in the form of higher prices) at a time when State government should be doing all it can to support Maine farms and ensure they are able to thrive in the years to come. While this bill is well-intended, I fear its unintended consequence would discourage the growth of farms in Maine.

I am a committed supporter of collective bargaining rights for workers generally. My Administration supported a prevailing wage and other worker rights and has consistently negotiated strong public employee contracts. In states where agriculture is dominated by factory farms and large corporate interests, I agree that it is critical that workers receive the protection of strong labor laws. But Maine's farming community is different and consists mostly of small, family-oriented operations. Those farms, large or small, who hire seasonal temporary foreign workers generally fall under stringent Federal H-2A regulations.



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I am open to working with legislative leaders, farming interests and advocates to develop a bill that provides appropriate protections for agricultural workers, but such legislation should be tailored to the unique circumstances of our agricultural sector, which this bill is not. For these reasons, I return L.D. 151 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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