

Agricultural Workers Minimum Wage Committee

Meeting Notes

Monday, October 16, 1:00pm – 3:00pm

<https://mainestate.zoom.us/j/86802231722>

- **Opening remarks by Co-Chairs Labor Commissioner Laura Fortman, and Agriculture, Conservation and Forestry Deputy Commissioner Nancy McBrady**
- **Members Present**
 - Department of Labor Commissioner Laura Fortman (Chair)
 - Department of Agriculture, Conservation and Forestry Deputy Commissioner Nancy McBrady (Chair)
 - The Speaker of the House of Representatives or her designee
 - Speaker Talbot Ross
 - Thom Harnett (Alternate)
 - The President of the Senate or his designee
 - Sen. Mike Tipping (Alternate)
 - A representative of the Maine Farm Bureau
 - Penelope Jordan
 - A representative of the Maine Potato Board
 - Jeannie Tapley
 - A representative of the Wild Blueberry Commission
 - Eric Venturini
 - A representative of the Maine Dairy Industry
 - Heath Miller
 - A representative of the Maine Organic Farmers and Gardeners Association
 - Heather Spalding
 - A representative of the Passamaquoddy Wild Blueberry Co.
 - Holli Francis
 - A representative of the Maine AFL-CIO
 - Matt Schlobohm
 - A representative of Pine Tree Legal Assistance Farm Worker Unit
 - Mike Guare
 - A representative of the Maine Center for Economic Policy
 - Arthur Phillips
 - A representative of a statewide organization dedicated to supporting farmworkers and immigrants Downeast
 - Juana Rodriguez, Mano en Mano

- Sean Douglas, Mano en Mano
 - A representative of a statewide land trust dedicated to protecting farmland and supporting farmers
 - Abby Farnham, Maine Farmland Trust, on behalf of Shelley Megquier
- **Review of working agreements and agenda by Facilitator Jo D. Saffeir, Special Assistant to the Commissioner of Agriculture, Conservation and Forestry and Committee Members**
- **Review of questions from previous meetings by Commissioner Fortman**
- **Technical Presentations**
 - Piecework and the Maine Wild Blueberry Industry by Holli Francis of Passamaquoddy Wild Blueberry Co., and Eric Venturini, Wild Blueberry Commission of Maine
 - Maine Employment Law, Piece Rate by Scott Cotnoir, MDOL
 - NASS Farm Labor Survey by Pam Hird, New England State Statistician, USDA
 - Supplemental Occupational Employment and Wage Statistics Information by Labor Commissioner Laura Fortman
- **Committee Discussion**
 - Mike Guare, *Committee Member* – Asked what percentage of blueberry rakers are unable to rake sufficient boxes (4.6 boxes @\$3/box) to make the equivalent of minimum wage via piece rate.
 - Holli: generally, about 10%. They are tribal elders.
 - Eric: Wild Blueberry Commission does not have industry wide figure. Referenced Welsh farm example, which cited ~50% (66% of workers in 2022) of their workers were there for the cultural experience. Entire families may choose not to participate, should some be excluded.
 - Abby Farnham, *Committee Member (Alternate for Maine Farmland Trust)* – Asked how piece rate interacts with workers who participate in the H-2A program.
 - Heather Spalding, *Committee Member* – Expressed concern about carving out sectors of workers. Also referenced when conditions in the field are not optimal (such as organic blueberry farming, due to weeds), but there remains a need for field work. If there is not a great yield but still a big need for work, does the industry do anything to accommodate workers in these scenarios?
 - Holli: other members of Passamaquoddy Blueberry Co. remember only 3 or 4 seasons where the harvest was so bad that they could not be paid piece rate, so they were paid the federal minimum wage of around \$7.25/hr. Haven't had a harvest that bad in a decade or more.
 - Penny Jordan, *Committee Member* – advocated for looking at the sector make up of agriculture, and carving out these workers makes sense due to the unique nature of the industry.
- **Public Input**

- Nolan Thompson – in reading a different public comment, agrees that greater outreach and participation from farm workers is needed. Mentioned an assumption of fear or mistrust as possible reasons we haven't heard more from them.
 - Outreach may help, and we may be surprised by the number of folks ready to speak to this issue. It could partly be that not many farmworkers know of this effort.
 - Nolan read the economic statement in a separate public comment. He mentions that no one has pointed out that an increased wage would help both employer and employee, as well as keep money in the community.
 - Asked if members of the public can attend subcommittee meetings.
- Sen. Timberlake – is concerned about the subcommittee process. Doesn't know how to get employers and workers to respond to something, because there isn't anything proposed. Is concerned that this process will only stir up more fear and mistrust.

Discussion of Next Steps

- The Committee discussed the need to hear from more voices.
- In an effort to create an environment that allows people to speak freely, the co-chairs are using their discretion to set up two subcommittees: one for farm employer representatives and one for farmworker representatives.
- **Closing Remarks from Commissioner Fortman, Deputy Commissioner McBrady and Committee Facilitator Jo D. Saffeir**
- **Meeting Adjourned**