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To the Agricultural Minimum Wage Committee:

Thank you for making these Committee meetings open to the public. My name is Kelsey Herrington - I co-own Two Farmers Farm in Scarborough. Farming has been the sole source of income for my family for the last decade, and I have been an employer of farm workers since 2014. I have watched the first three meetings and found them very informative, and I have some followup questions and comments:

1. In a previous Committee meeting, it was stated that ensuring that agricultural workers have a right to overtime pay is "not something this Committee is specifically charged with." Can the Committee please clarify if continuing to deny farm workers the right to overtime pay is a firm parameter of the Governor's order that we must accept? In other words, is the Committee willing to consider including the right to overtime pay as part of the final language submitted to the Governor?

2. If I recall correctly, the right of agricultural workers to concerted activities protection has not come up yet in the Committee. My understanding, from debate over this issue prior to the convening of this Committee, is that concerted activity protection is part of Maine's minimum wage law. Can the Committee clarify if that is true, and if not, how concerted activities protection is related to this issue? Is concerted activities protection going to be addressed at any point by this Committee? Is the Committee willing to consider including the right to concerted activities protection in the final language submitted to the Governor?

3. I have appreciated the comments from the public about the lack of farm worker participation so far. My experience talking with farm workers in my immediate network is that they do not know that this Committee is happening, let alone that they are welcomed at the meetings or can submit public comments. In that vein, I have a few questions:

3a. Is outreach about this Committee being done directly in farm worker communities? A similar question was asked recently by a member of the public, and my recollection is that the primary response from the Committee was that the information about the Committee is being disseminated widely via email listservs. Are any of those email lists knowingly populated with the contact information of farm workers? Are email listservs the best way to reach farm workers, especially migrant and other workers who are most negatively impacted by the current labor laws? Has the Committee consulted with farm workers and farm worker advocates to make sure that farm workers do in fact know about these meetings and can attend, or at least watch the meeting recordings, and have the ability to submit comments?

3b. Can the Committee clarify if it would be legal for farm employers to fire or otherwise retaliate against employees who speak up publically to this Committee about their workplace experiences/concerns? Can any farm worker advocates speak to how likely retaliation of this nature, legal or illegal, would be by an employer against a farm worker? What is the Committee's plan to protect farm workers from retaliation?

4. An observation: of the 15 members of the Committee, at least seven clearly represent farm owners/employers (Maine Farm Bureau, Maine Potato Board, Wild Blueberry Commission, Maine Dairy Industry, Maine Organic Farmers and Gardeners Association, Passamaquoddy Wild Blueberry Co., and Maine Farmland Trust), and only three clearly represent farm workers (Maine AFL-CIO, Pine Tree Legal, Mano en Mano). There are four members of various governmental positions (DOL, DACF, Speaker of the House, President of the Senate) and also a representative of the Maine Center for Economic Policy. While some individual members representing the various governmental entities and the farm employer/owner organizations may be sympathetic to farm workers, they do not represent farm workers. This Committee disproportionately represents farm owners/employers at a rate of 2:1.

4a. How will the Committee overcome this inherent bias and power imbalance to make sure farm worker voices are heard just as clearly as the voices of the owners, and to produce a minimum wage law that is truly fair to farm workers?