

April 18, 2023

Senator Michael Tipping, Chair
Representative Amy Roeder, Chair
Committee on Labor & Housing
Cross Building, Room 202
Augusta, Maine 04333

Re: LD 398: An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws

LD 525: An Act to Protect Farmworkers by Allowing them to Organize for Purposes of Collective Bargaining.

LD 1483: An Act to Protect the Rights of Agricultural Workers

Dear Senator Tipping, Representative Roeder, and Honorable Members of the Joint Standing Committee on Labor and Housing:

My name is Mary Bonauto and I am the Senior Director of Civil Rights at GLBTQ Legal Advocates & Defenders, a litigation and policy organization addressing issues affecting the LGBTQ people across communities in Maine, regionally, and nationally. GLAD, together with EqualityMaine, Maine Transnet, Maine Women's Lobby and ACLU of Maine thank the sponsors, Speaker Talbot Ross and Senator Hickman, for bringing forth these bills. We all encourage you to vote ought to pass on each.

As LGBTQ organizations or LGBTQ supportive organizations, we are familiar with discrimination in workplaces as well with being denied benefits and protections other workers have enjoyed. Maine took steps to change this state of affairs over the years with enactment of a nondiscrimination law, domestic partnership options in insurance, and with approving the freedom to marry at the ballot in 2012, among other public and private efforts. These efforts and legal changes have provided people more security, stability and peace of mind.

With respect to LD 398 and LD 525, we believe all agricultural workers deserve this same security, stability and peace of mind through enactment of these three bills.¹ The rights at issue are among the most basic for any worker, and LGBTQ people have not been barred from bargaining or from wage and hour laws governing overtime and minimum pay. There is also a history at work that continues to harm people today and which we should leave behind, namely the historical exclusion of agricultural workers from the basic worker rights to organize and

¹ Although data collection is lacking, outreach workers, clinicians and researchers who provide health care and public health interventions to farmworkers know that LGBTQIA+ people exist within the community” and have additional struggles related to their identities. See *Promoting Health Care Access for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQIA+) Farmworkers*, National LGBTQIQ+ Health Education Center (2020), available at: <https://www.frontiersin.org/articles/10.3389/fpubh.2022.856878/full>

bargain collectively based on then prevalent beliefs about “race” and what workers “deserved” protections.²

To be sure, it is often challenging for employers – including farm employers - to step up to provide better protections for workers. Some of us know from close family members about how hard it is to work on and earn a living on a farm. Still, we support these bills so that Maine can find a path forward where workers and their families’ needs are an essential part of the consideration in our laws rather than being subordinated. Real world experience also shows that the expansion of worker protections works in tandem with supporting workplaces and thus could easily *assist* the development of farming in Maine. Certainly, a more healthful and fair working environment will attract employees and better maintain their health, both of which are productive for any farm or business.

With respect to LD 1483, we support the proposal to allow individuals employed in agriculture, industrial food processing as defined in the bill the ability to meet with “key service provider[s]” when they are “not performing work” or “during paid or unpaid rest or meal breakers.” This is a necessity when workers have so little time they can otherwise meet with such providers given the time demands from their jobs. Likewise, we support the provision that an agricultural worker alone, not their employer, may decide who enters their residence, and that employers may not create barriers to access, whether physically or otherwise. None of us would find it tolerable to have the comings and goings into our residences so regulated by an employer.

These workers share the same humanity, needs for economic stability and healthful conditions that others share. We urge you to find a path forward and thank you for your consideration. Please vote “ought to pass” on these bills.

Truly yours,

Mary L. Bonauto, GLAD, 257 Deering Ave., Suite 203, Portland ME 04013

On behalf of GLAD
ACLU of Maine
EqualityMaine
MaineTransNet
Maine Women’s Lobby

² With respect to collective bargaining, see Collective Bargaining for Farmworkers, available at: <https://nationalaglawcenter.org/collective-bargaining-rights-for-farmworkers/#:~:text=When%20the%20federal%20National%20Labor,as%20being%20fired%20or%20disciplined>. The same phenomenon occurred with respect to another triumph for the social safety net and workers of limited (and all means) with the Social Security Act’s and its exclusion of domestic servants and agricultural workers. See Larry DeWitt, The Decision to Exclude Agricultural and Domestic Workers from the 1935 Social Security Act, Social Security Bulletin, vol. 70, no. 4 (2010), available at: <https://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.html#:~:text=Social%20Security%20Act-.The%20Decision%20to%20Exclude%20Agricultural%20and%20Domestic,the%201935%20Social%20Security%20Act&text=The%20Social%20Security%20Act%20of,of%20whom%20were%20African%20Americans>.