

Testimony in opposition to LD 2149, “An Act to Exempt Seasonal Volunteer Ski Patrollers and Seasonal Volunteer Ski Ambassadors and Hosts at Ski Areas from the Minimum Wage Laws”

January 31, 2024

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Dear Senator Tipping, Representative Roeder,

I am writing on behalf of the Maine Center for Economic Policy to offer testimony in opposition to LD 2149, “An Act to Exempt Seasonal Volunteer Ski Patrollers and Seasonal Volunteer Ski Ambassadors and Hosts at Ski Areas from the Minimum Wage Laws.” MECEP is broadly in agreement with the testimony from the Maine Department of Labor that such an exclusion is not necessary for true “volunteers” at ski resorts, and that the proposed legislation would allow the exemption of those who should rightly be classified as employees from minimum wage laws.

While we appreciate the valid interest of some organizations to engage volunteers who are not covered by minimum wage laws, we believe that the current regulatory framework does so in a manner that is appropriate. The Maine Department of Labor currently relies on a series of criteria to ensure that someone who is being treated as a volunteer is actually acting in that role. This assessment is essential to ensure that for-profit companies are not able to substitute volunteer labor in place of employees. A high-profile attempt to do just this occurred in 2022 when a Chic-Fil-A franchise in North Carolina attempted to recruit “volunteers” to fill shifts in exchange for free meals.ⁱ It’s easy to see in a case like that how the use of “volunteer” fast food workers would reduce the demand for paid labor, and hold down wages for regular employees. The past few years have seen a significant rise in the cost of labor for what have traditionally been low-wage service jobs, and the temptation to substitute with unpaid or barely-paid “volunteers” has grown as a result. The Department’s current framework allows it to avoid situations like this.

While it would presumably be possible to codify the Department’s framework on volunteer status into statute, we would defer to the Department on whether that is an appropriate course of action at this time.

Finally, we would like to express our concern at another issue raised by the proponents of this bill, namely the Fair Labor Standards Act’s exemption for “Seasonal Amusement or Recreational Establishments.”ⁱⁱ While that is not currently part of LD 2149, we would take the opportunity to express our opposition to any such widespread exemption from state labor laws. Mainers who work seasonal jobs deserve basic workplace protections as much as any workers, and many Mainers work multiple seasonal jobs to piece together a livable income over the course of the year. Anything that weakens protections for seasonal workers undermines their economic security.

Thank you for your consideration. I urge you to vote “ought not to pass” on LD 2149. As always, I’m happy to answer any questions and can be reached at jmyall@mecep.org

ⁱ <https://www.today.com/food/restaurants/chick-fil-store-recruit-volunteers-only-paid-food-rcna40520>

ⁱⁱ <https://www.dol.gov/agencies/whd/fact-sheets/18-flsa-seasonal-amusement>