



Maine Trial Lawyers Association

160 Capitol Street, P.O. Box 438, Augusta, Maine 04332-0438
(207) 623-2661 • FAX (207) 621-0118
mtla@mtla.org

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March 25, 2024

Senator Michael Tipping, Senate Chair
Representative Amy Roeder, House Chair
Joint Standing Committee on Labor and Housing
c/o Legislative Information Office
100 State House Station
Augusta, ME 04330

Re: Limited Opposition to LD 2273 / Concern with Sentence Limiting Access to Courts and Private Cause of Action

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

The Maine Trial Lawyers Association (the MTLA) respectfully submits very limited, but extremely important, opposition to LD 2273. Our compulsion to present testimony to you is driven by a single sentence in the bill; namely, we are concerned with the sentence in the legislation that eliminates the right of agricultural employees to bring a private cause of action against their employees for unpaid wages.

Our organization's opposition is driven by our mission, which includes ensuring public access to a fair civil justice system, the preservation of civil jury trials, and championing the causes of those who deserve redress in the courts. While we applaud and support efforts by Governor Mills, Speaker Talbot Ross and others to ensure that agricultural employees are paid the state minimum hourly wage and are afforded other protections, we feel obliged to speak out against the rights that this legislation strips from those same workers.

From our perspective, not only is it patently wrong and unfair to allow some employees (e.g. nurses, teachers, retail workers, landscapers, etc.) to bring wage and hour claims in Maine Courts while denying this right to farmworkers, but there are latent dangers associated with allowing this provision in the legislation to survive passage into law. Among them is the risk that more laws will be introduced and enacted that limit peoples' access to the courts, jury trials and our civil justice system.

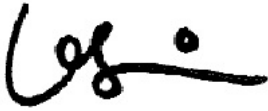
We are also concerned about the financial, economic, practical and other consequences of placing enforcement efforts solely into the hands of the Department of Labor. Enforcement of the proposed provisions of LD 2273 will undoubtedly be costly and time consuming and should not necessarily be borne by the State or its taxpayers. This is especially so when it is possible to hold wrongdoers accountable for the costs of their wrongdoings through private causes of action as is presently done in other wage and hour cases here in Maine. Agricultural workers, just like other workers in this state, should have the right to choose how, and through whom, they want to seek remedies and redress.

The proposal to eliminate agricultural workers' right to a private cause of action also appears to be inconsistent with the *Co-Chairs' Report* of the Committee to Develop and Implement a Minimum Wage Bill for Agricultural Workers, which is dated February, 2024 and available here: <https://www.maine.gov/labor/docs/2024/mwaw/AWMWCFinalReport.pdf>. Nowhere in that *Co-Chairs' Report* did we find a recommendation to entirely eliminate an agricultural worker's right to bring a private civil suit in Court when the worker has not been paid properly

by their employer. We are also presently unaware of any other state that has enacted legislation that entirely eliminates such a right.

The MTLA appreciates the opportunity to offer this testimony about the importance of eliminating the prohibition of a private cause of action from the legislation before the Legislature further considers or passes the legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lauri Boxer-Macomber', with a stylized flourish at the end.

Lauri Boxer-Macomber
Past President, Maine Trial Lawyers Association
Member, MTLA Legislative Committee