



## **LD 2273, “An Act to Establish a State Minimum Hourly Wage for Agricultural Workers”**

March 26, 2023

Senator Tipping , Representative Roeder, and Honorable Members of the Labor and Housing Committee.

My name is Rae Sage, and I am the Policy Coordinator for the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. The Permanent Commission’s role is to examine racial disparities across all systems and advise Maine State Government on ways to improve the status and outcomes of historically disadvantaged racial, Indigenous, and tribal populations.

The Permanent Commission supports LD 2273 and the greater advancement of agricultural workers’ rights overall. By raising the minimum wage to \$14.15/hr and requiring record keeping on the part of the employer, LD 2273 takes vital steps towards bettering work conditions for agricultural workers all over the state. There is no food without farms, and no farms without farm workers. By supporting agricultural workers, we strengthen the very foundation of Maine’s agricultural communities.

The historic exclusion of agricultural workers from labor protections is rooted in a legacy of systemic racism. When the Fair Labor Standards Act of 1938 (FLSA) was passed, the exclusion of farmworkers from labor protections was a “race neutral” method of maintaining significant racial disparities, as agricultural workers were disproportionately Black.<sup>1</sup> The role of race was so explicit that during the floor debates over the FLSA, some representatives expressed deep concern over the possibility that it

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<sup>1</sup> Rodman, S. O., Barry, C. L., Clayton, M. L., Frattaroli, S. Neff, R. A., & Rutkow, L. (2016). Agricultural exceptionalism at the state level: Characterization of wage and hour laws for U.S. farmworkers. *Journal of Agriculture, Food Systems, and Community Development*, 6(2), 89–110. <http://dx.doi.org/10.5304/jafscd.2016.062.013>

would equalize wages between African American and white laborers.<sup>2</sup> When Maine passed its first comprehensive state minimum wage law in 1959, lawmakers followed national trends and exempted occupations where people of color were more likely to work.<sup>3</sup>

Although the racial composition of farmworkers nationally has shifted to largely Latino populations,<sup>4</sup> The effect of exclusion from basic labor protections is the same. This policy approach continues to have a negative impact on the health and wellbeing of the racial, Indigenous, and tribal populations that live and work in Maine. Mainers of color are more likely than white Mainers to hold jobs with fewer protections.<sup>5</sup> Addressing the lack of rights in fields commonly populated by historically disadvantaged groups is essential to creating new opportunities for these communities.

Everyone deserves access to wages and work conditions that offer a route to a sustainable life. This is abundantly true for the people whose hard work puts food on our tables both locally and nationally. Though this legislation represents important progress, more remains to be done to guarantee other basic worker protections many of us take for granted. LD2237 acknowledges these truths and takes an overdue step towards a more sustainable future for all of Maine's farmworkers and farms. Thank you.

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<sup>2</sup> Farhang, S., & Katznelson, I. (2005). The southern imposition: Congress and labor in the New Deal and Fair Deal. *Studies in American Political Development*, 19(1), 1-30.

<http://dx.doi.org/10.1017/S0898588X05000015>

<sup>3</sup> Maine Center for Economic Policy (2020). *State of Working Maine: 2020*.

<https://www.mecep.org/wp-content/uploads/2020/11/State-of-Working-Maine-2020.pdf>

<sup>4</sup> US Department of Agriculture. (2021). *Demographic Characteristics of Hired Farmworkers*.

<https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic>

<sup>5</sup> Myall, James. *The State of Working Maine 2020*. Maine Center for Economic Policy.

<https://www.mecep.org/maines-economy/report-state-of-working-maine-2020/>.

# Workers' Rights - Farmworkers

**No matter who we are, where we come from, or the color of our skin, people deserve fair pay and fair treatment for their work.**

Part of Maine's vibrance is rooted in its farming communities and the many products they produce for local and global markets. Despite this, farmworkers in Maine lack the basic rights needed to address unfair treatment and unsafe working conditions. This disproportionately impacts immigrant communities and Mainers of color. Currently, farmworkers are not subject to Maine's minimum wage or overtime laws. They cannot discuss bettering their working conditions without fear of being fired for doing so. The Permanent Commission supports legislation that protects the rights of workers and ensures fair pay for their labor. Protecting Maine's farmworkers is instrumental to building a better future for Maine's communities of color and Maine farms.

## Measures of Injustice

The historic exclusion of farmworkers from labor protections is a legacy of slavery that unfortunately continues to this day. After the legal abolition of slavery, the agriculture industry used tools such as tenant farming and sharecropping with oppressive contracts to extract as much labor as possible.<sup>1</sup> When the Fair Labor Standards Act of 1938 (FLSA) was passed, the exclusion of farmworkers from labor protections was a "race neutral" method of maintaining significant racial disparities, as agricultural workers were disproportionately Black.<sup>2</sup> The role of race was so explicit that during the floor debates over the FLSA, some representatives expressed deep concern over the possibility that it would equalize wages between African American and white laborers.<sup>3</sup> When Maine passed its first comprehensive state minimum wage law in 1959, lawmakers followed national trends and exempted occupations where people of color were more likely to work.<sup>4</sup>

**The current system hurts workers and farmers. Farm owners who do right by their workers by providing livable wages and fair conditions should not have to compete with those who don't.**

Although the racial composition of farmworkers nationally has shifted to largely Latino populations,<sup>5</sup> the effect of exclusion from basic labor protections is the same. This policy approach continues to have a negative impact on the health and wellbeing of the racial, Indigenous, and tribal populations that live and work in Maine. Mainers of color are more likely than white Mainers to hold jobs that lack protections like the minimum wage or overtime rules.<sup>4</sup> Addressing the lack of rights in fields commonly populated by historically disadvantaged people is essential to creating new opportunities for these communities.

## Moving Toward Justice in 2024

### RIGHTS TO ORGANIZE

- **Pass LD 525 - An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining**

As reflected in the name, this bill ensures that farmworkers are allowed to organize for the purpose of collective bargaining —like all other Maine workers. It creates procedures for the facilitation of such bargaining and outlines the rights of both agricultural employers and employees.

### RIGHTS TO SEEK SERVICES

- **Pass LD 1483 - An Act to Protect the Rights of Agricultural Workers**

This bill protects a worker's right to access key service providers both during hours of work and in their leisure time. Key service providers include health care providers, education providers, attorneys, a government official, a member of the clergy and any other service provider a farmworker may need. It also protects a worker's right against being barred from entering their home. This is vital for immigrant populations who often rely on their employer for both housing and transportation.

# References

- 1** United States Department of Agriculture. (2003). Black Farmers in America, 1865-2000: The Pursuit of Independent Farming and the Role of Cooperatives. Available at: <https://www.rd.usda.gov/files/RR194.pdf>.
- 2** Rodman, S. O., Barry, C. L., Clayton, M. L., Frattaroli, S. Neff, R. A., & Rutkow, L. (2016). Agricultural exceptionalism at the state level: Characterization of wage and hour laws for U.S. farmworkers. *Journal of Agriculture, Food Systems, and Community Development*, 6(2), 89-110.
- 3** Farhang, S., & Katznelson, I. (2005). The southern imposition: Congress and labor in the New Deal and Fair Deal. *Studies in American Political Development*, 19(1), 1-30.
- 4** Myall, J. (2020). State of Working Maine: 2020. Report from the Maine Center for Economic Policy. Available at: <https://www.mecep.org/wp-content/uploads/2020/11/State-of-Working-Maine-2020.pdf>.
- 5** US Department of Agriculture. (2021). Demographic Characteristics of Hired Farmworkers. Available at: <https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic>.