



TESTIMONY OF MICHAEL KEBEDE, ESQ.

LDs 357, 589, and 588 – Ought to Pass

**An Act to Establish a State Minimum Hourly Wage
for Agricultural Workers**

**An Act to Enact the Agricultural Employees
Concerted Activity Protection Act**

**An Act to Make Agricultural Workers and Other Related Workers
Employees Under the Wage and Hour Laws**

Joint Standing Committee on Labor

April 2, 2025

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Senator Tipping, Representative Roeder, and distinguished members of the Joint Standing Committee on Labor, greetings. My name is Michael Kebede, and I am the policy director for the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LDs 357, 589, and 588.

Too often in our country's history, communities of color have been left out of improvements in labor, housing, and other systems. The New Deal of the 1930s marked an important step forward for millions of American workers, but not for most communities of color. The Fair Labor Standards Act and the National Labor Relations Act, both parts of the New Deal, excluded farmworkers and domestic workers. The workers in both those groups were disproportionately people of color.

If passed, LD 357 would, starting next year, establish a minimum wage for farmworkers. Each year thereafter, the bill would require a cost-of-living adjustment to the farmworker minimum wage. Importantly, however, this bill would not entitle farmworkers to overtime pay. Nor would it guarantee them the same minimum wage increases that most other state workers enjoy. This bill empowers the Attorney General with the power to enforce its provisions, in addition to giving employees a private right of action to recover unpaid wages.

In contrast, LD 589 would entitle farmworkers to overtime pay and make them eligible for the state minimum wage. The bill phases in its overtime provision: starting on January 1, 2026, employers will owe agricultural workers overtime pay for hours worked more than 50 hours per week; a year later, that figure drops to 45 hours and, a year after that, to 40 hours. Unlike LD 357, this bill would entitle farmworkers to both overtime *and* minimum wage. Crucially, it would integrate agricultural workers into the existing statutory scheme for other workers, rather than creating a new



statute governing minimum wage specifically for agricultural workers (LD 357's approach). Thus, of the two bills, LD 589 is likely to bring about greater improvements in the lives of farmworkers, and avoid a two-tier system in which farmworkers continue to be treated differently than other Maine workers.

LD 588 would protect agricultural workers' right to engage in concerted activity to bring about a change in a workplace. If those rights are violated, this bill would allow aggrieved workers to file a complaint with the Maine Labor Relations Board ("Board"). Either party – the employee or the employer – would have the power to seek a review of the Board's decision in the Superior Court.

Any of these three bills would reduce the racially discriminatory impact of our labor laws, and lead to a higher quality of life for the migrant communities that sustain some of our vital industries. In its deliberations about these bills, we urge the committee to ensure that new labor and employment protections are always paired with a private right of action. A right without a remedy, in virtually all cases, is no right at all. Finally, we urge the committee to resist the urge to create a new statutory scheme governing farmworkers – and other workers that were excluded from the National Labor Relations Act and its state equivalent. Rather, the committee should support changes that treat farmworkers the same way Maine law treats other workers.

Please vote *ought to pass*.