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**Testimony of Michael Roland,
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Neither For Nor Against
LD 398, An Act To Make Agricultural Workers and Other Workers Employees under the
Wage and Hour Laws,
and LD 1483, An Act to Protect the Rights of Agricultural Workers
To the Joint Standing Committee on Labor and Housing Public Hearing, Wednesday,
April 18, 2023**

Good morning Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor and Housing. I am Michael Roland, Director of the Bureau of Labor Standards for the Maine Department of Labor (Department). I am here today to speak on behalf of the Department neither for nor against LD 398, "An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws."

The proposed legislation would extend certain wage and hour protections to certain currently exempt workers by removing language from the statute exempting them from coverage. Agricultural workers and those in related occupations would be included in limits on mandatory overtime, required to receive Maine's minimum wage, and eligible for overtime pay when they work in excess of a diminishing number of hours. Full overtime protections, equal to those for workers in other occupations and industries, would become effective in 2026.

We estimate that approximately 35,000 employees who work for approximately 2,260 employers in Maine would be added to minimum wage and overtime protections with passage of this bill. Under the Fair Labor Standards Act (FLSA) as amended in 1966, most of those workers are currently required to receive the federal minimum wage of \$7.25 per hour, but are still exempt from federal overtime protections. California extended full phased-in coverage of state minimum wage and overtime protections to farmworkers in 2016. Since then a handful of other states have extended full overtime protections and a few have extended partial or modified overtime coverage to agricultural workers.

We are encouraged that the sponsor appears willing to engage in a discussion with the administration and others on the subject in an attempt to find a solution that would be reasonably agreeable to all. We look forward to being a part of that conversation.

Finally, since the proposed legislation would significantly increase the number of workers eligible for wage and hour protections, the Department would need to increase its staff. Based on the numbers of

workers and employers affected and the nature of the industry, we project that two additional Inspector would be required to enforce minimum wage and overtime protections in agriculture.

Similarly for LD 1483, while we are still contemplating the effect of this bill and have some concern about interpreting the phrase “reasonable access,” we do believe that implementation would require additional resources for the Bureau.

Thank you for your time and attention. I would be happy to answer any questions you may have now or at a future work session.

The Maine Department of Labor is committed to serving Maine workers and businesses by helping employers recruit and train a talented workforce, providing workers with skills needed to compete in our economy, assisting individuals when jobs are lost, aiding people with disabilities reach career goals, ensuring safe and fair workplaces for people on the job and providing research and analysis of employment data to support job growth.