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## **TESTIMONY NEITHER FOR NOR AGAINST L.D. 588**

### **“An Act to Enact the Agricultural Employees Concerted Activity Protection Act”**

**Neil P. Daly, Executive Director  
Maine Labor Relations Board  
April 2, 2025**

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor, my name is Neil Daly, and it is my privilege to serve as the Executive Director of the Maine Labor Relations Board (MLRB).

This testimony is neither for nor against L.D. 588 but will review my understanding of the proposed changes set forth through the bill.

Currently, agricultural workers in Maine are excluded from the coverage of the National Labor Relations Act as well as Maine’s collective bargaining laws. In turn, those workers do not have a statutory right to engage in what is known as concerted, protected activity. Generally, concerted activity refers to employee efforts dedicated to mutual aid and protection. Examples include:

- Talking with one or more co-workers about your wages and benefits or other working conditions,
- Circulating a petition asking for better hours,
- Participating in a concerted refusal to work in unsafe conditions,
- Openly talking about your pay and benefits,
- Joining with co-workers to talk directly to your employer, to a government agency, or to the media about problems in your workplace.

As drafted, L.D. 588 would permit agricultural workers in Maine to engage in concerted activity for the purpose of mutual aid and protection. It would also prohibit agricultural employers or employees from interfering with an employee’s concerted activity. Similarly, an agricultural employer could not retaliate against an employee for their concerted activity.

L.D. 588 provides certain enforcement authority to the Maine Labor Relations Board. Specifically, the Board would adjudicate complaints involving alleged interference with or retaliation for concerted activity. The framework for the proposed complaint process is comparable to the existing Board procedures governing prohibited practice complaints for Maine’s public sector collective bargaining laws.

Should L.D. 588 be enacted as drafted, it is difficult to predict the impact on Board operations with any certainty. If a large percentage of eligible agricultural workers in Maine filed related complaints, it would likely result in a volume of filings that the Board could not accommodate without negatively impacting the existing level of service. However, after consulting with several states where farm or agricultural workers are permitted to engage in concerted activity it appears unlikely that such a high percentage of workers will pursue related filings with the Board, at least initially. As a result, the Board should be able to accommodate, for the time being, the anticipated filings if L.D. 588 is enacted.

On the other hand, if the actual filings greatly exceed expectations, the Board anticipates requesting additional resources from a future legislative session. The actual scope of this impact may take several years to develop and ascertain.

Thank you for this opportunity to discuss L.D. 588.