



Rachel Talbot Ross
Senator, District 28

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Rachel Talbot Ross introducing
**LD 588, “An Act to Enact the Agricultural Employees Concerted Activity
Protection Act”**
Before the Joint Standing Committee on Labor
April 2, 2025

Senator Tipping, Representative Roeder, and esteemed members of the Joint Standing Committee on Labor, I am Senator Rachel Talbot Ross. I represent Senate District 28, which includes part of Portland and Peaks Island. Thank you for the opportunity to present LD 588, “An Act to Enact the Agricultural Employees Concerted Activity Protection Act.”

The Equal Protection Clause of the United States Constitution provides: “No state shall deny to any person within its jurisdiction the equal protection of the laws.” Similarly, Article I, Section 6-A of the Maine Constitution states: “No person shall be denied the equal protection of the laws.” I ask that you keep these constitutional principles in mind as you consider my testimony this afternoon.

Historically, agricultural workers, also known as farmworkers, have been expressly excluded from the basic labor laws that protect most workers. They have been denied equal protection under both federal and state laws. Currently, in 2025, Maine farmworkers are still not considered employees under fundamental state labor laws.

Farmworkers who work year-round in Maine labor for long hours and have precious little free time to come to Augusta. Couple that with the fact that neither state nor federal laws protect farmworkers who might want to form a union, collectively bargain, or even talk to their fellow workers about improving their working and living situations — and it is easy to see why the lives and working conditions of many of these workers have changed little since Edward R. Murrow’s *Harvest of Shame* was produced and televised in 1960, more than 60 years ago.

Unlike almost every working person in Maine and throughout the United States, farmworkers can still be fired for simply talking about their working and living conditions and bringing those concerns to their employers. If they speak to their co-workers about seeking to change their wages or working conditions, they can lose their housing and their jobs — while thousands of miles from home. Those firings have been and remain legal, even though I believe they are both immoral and unjust.

Please know that I readily acknowledge that many, if not most, farmers who employ migrant, seasonal, and year-round farmworkers treat them with great dignity and respect.



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Non-farmworker employees who are not represented by a union still have significant rights under the National Labor Relations Act (NLRA). Federal law and the National Labor Relations Board (NLRB) protect the rights of employees to engage in “concerted activity,” which occurs when two or more employees take action for their mutual aid or protection regarding the terms and conditions of their employment.

A single employee may also engage in protected concerted activity if they are acting with the authority of other employees, bringing group complaints to the employer’s attention, trying to induce group action, or seeking to prepare for group action. If farmworkers engage in any of those activities, they can be summarily fired — and that firing remains legal in Maine.

A few examples of the legally protected concerted activities that non-farmworkers can engage in include:

- Two or more employees addressing their employer about improving their pay;
- Two or more employees discussing work-related issues beyond pay, such as safety concerns, with each other; and
- An employee speaking to an employer on behalf of one or more co-workers about improving workplace conditions.

Farmworkers lack this essential protection. This is one of the primary reasons their lives remain so challenging and their earnings remain low.

We can do better — as a Legislature, as a people, and as a state. Passing LD 588 is the next step in making that a reality.

Thank you for your thoughtful attention. I’d be happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Talbot Ross".

Rachel Talbot Ross
State Senator, District 28
Representing part of Portland and Peaks Island