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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON LABOR AND
HOUSING**

NEITHER FOR NOR AGAINST LD 357

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

April 2, 2025

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing, my name is Nancy McBrady. I am the Deputy Commissioner of the Department of Agriculture, Conservation and Forestry. I am speaking on behalf of the Department neither for nor against LD 357, *An Act to Establish a State Minimum Hourly Wage for Agricultural Workers*.

The 2022 USDA Agricultural Census reported that there are 7,063 farms in Maine. These farms produce an abundance of high-quality crops and products across the state. A 2020 Farm Credit East report estimated that Maine agriculture has a \$3.6 billion overall economic impact. In Maine, farming is an essential part of our cultural and economic fabric – providing jobs, protecting open space, nourishing our communities, and stewarding our environment.

Also essential to farms are their workers. Whether family members or paid employees, these individuals work hard to cultivate and harvest crops, care for livestock, tend the land, and repair equipment throughout the growing season (and beyond). According to USDA, as of 2022, 1,883 farms hired 11,122 farm workers.

In 2024, the Governor created the Agricultural Workers Minimum Wage Committee, which I co-chaired. Over four months, committee members delved deep into Maine agriculture and its labor force. We assessed labor statistics and data and sought input from the agricultural community. Through this process, it became clear that most, but not all, farm workers are being paid wages in line with or above the state minimum wage. It is time for state law to reflect this reality and ensure consistent receipt of the state minimum wage.

This bill is nearly identical to LD 655, a bill that the Department supports. Similar to LD 655, LD 357 establishes a new subchapter within Title 26 governing the agricultural minimum wage, which DACF does support. To draw farmworkers into the already existing minimum wage laws could allow for future legislation to be proposed that does not explicitly appreciate the uniqueness of agriculture. This uniqueness includes its weather-dependent seasons, its perishable products and the welfare of its livestock, its importance to society, and its struggle to compete

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with other agricultural regions across the country with larger populations and different climates (among many other reasons). By creating this new subchapter, future employment legislation would only apply to agriculture if the legislature explicitly acted to amend this subchapter. This creates important safeguards against unintended impacts on this vital Maine sector.

The difference between LD 655 and this bill resides in the approach taken for employee remedies. Both establish that employers can be liable for minimum wage violations; however, LD 655 requires that the Department of Labor bring forward such cases. That requirement is absent from this bill. Private right of action was not a topic discussed by the Committee in 2024. Although there likely are farm employers and employees who may fall along the spectrum of opinion on this topic, we feel that LD 655 best aligns with the recommendation of the Committee. Finally, last year, Governor Mills vetoed a similar bill that did not include the Department of Labor's involvement in the remedial process. The Governor's stance has not changed. For this reason, the Department's preference is to support LD 655.

Thank you for your time. I would be happy to answer any questions now or at the work session.