

**MAINE LEGISLATURE  
132<sup>nd</sup> Legislature, First Regular Session  
Committee on Labor**

**Spoken Testimony of Erica Veazey, Pine Tree Legal Assistance, on  
LD 357, “An Act to Establish a State Minimum Hourly Wage for Agricultural Workers”,  
LD 588, “An Act to Enact the Agricultural Employees Concerted Activity Protection Act”  
and LD 589, “An Act to Make Agricultural Workers and Other Related Workers  
Employees Under the Wage and Hour Laws”  
April 2, 2025**

**Good morning Senator Tipping, Representative Roeder, and Members of the Committee. My name is Erica Veazey. I’m an attorney at Pine Tree Legal Assistance where I have worked for close to 18 years. For the past 6 years I’ve been leading Pine Tree’s Farmworker Unit which provides civil legal representation to farmworkers in Maine.**

**As you have already heard this morning, farmworkers have historically been among the most abused and exploited workers in the United States. There are many reasons for this, including the exclusion of farmworkers from much of the federal and state legislation which protects almost all other workers in our state and the U.S. Many farmers in Maine are responsible employers who treat their employees well and comply with the laws that do apply to farmworkers. However, in our work at Pine Tree Legal we have seen many examples of mistreatment and abuse of workers. While these examples are not from a majority of employers, they are significant, they are persistent, and they exemplify the need to enact protections for farmworkers. Before you this morning are three bills that seek to provide farmworkers with the same protections already in place for most other workers in the State of Maine. Because of the short time I have before you this morning, I will limit my comments to some of the specifics in these bills to which we can offer our insight as a legal service provider serving farmworkers.**

**LD 357 includes a private right of action allowing farmworkers to pursue an employer in court for unpaid minimum hourly wages. This is an essential element of the bill because without it, farmworkers who are underpaid must rely only upon the Department of Labor to take action against their employer. Or, conversely, without the private right of action, an employer may get away with not complying with the law and paying farmworkers less than the**

minimum wage, so long as the Department of Labor is unwilling or unable to take action against them.

**Enforcement that relies solely upon a state agency to take action removes all decision-making power from the farmworker who was exploited. We are all aware that the resources and priorities of state agencies change over time for a variety of reasons, including the desires of the current administration, the state of the budget, and many other factors. A private right of action does not change over time. It bestows the decision-making power into the hands of the aggrieved individual. A right without a remedy is, quite simply, no right at all. It is what one of my law school professors referred to as “a toothless tiger.” A law without any power behind it.**

Should LD 357 be enacted, many agricultural employers would already be in compliance, and many more would immediately follow the law. However, there are some that would not. My organization knows this because we’ve seen the ways that farmworkers in our state have been abused and exploited by some of the bad actors. LD 357, with its private right of action, gives a remedy to those workers. Additionally, as those workers exercise their rights, employers not following the law will see the potential consequences and will comply. The private right of action not only empowers the individual worker, it also provides a mechanism that increases the chance of future compliance by agricultural employers. It also ensures a level playing field in our economy, on which employers who break the law with impunity cannot gain a competitive advantage over those who are following the law.

**LD 588 gives farmworkers the right to engage in concerted activities, a right already enjoyed by almost all other workers in the U.S. under the National Labor Relations Act, from which farmworkers are excluded. Currently, unless an employment problem is illegal under another law, such as discrimination based on race or sex, farmworkers cannot take the simple step of talking to their employer and trying to resolve a problem without fear of reprisal. When Pine Tree Legal does outreach work to migrant farmworkers in Maine, we sometimes encounter a worker with a very serious problem that does not have a good legal solution. For example, we have spoken with farmworkers who raise a concern about an**

**abusive supervisor or farm labor contractor. Often this kind of situation does not have a clear legal solution if the mistreatment is not otherwise a violation of any law. The most logical solution is for the worker to speak with their employer to report their concerns and try to resolve the issue. However, with farmworkers we must advise them that if they approach their employer about such an issue, they could be fired, and we would be unable to help them. As you can imagine, many farmworkers choose not to speak out based on the fear of losing their job, and their only means to support themselves and their families.**

LD 588 allows workers to work with their employer to resolve problems. It allows farmworkers to engage with each other for the purposes of mutual aid and protection. It allows farmworkers to engage with third parties, such as legal services providers, to learn about their rights and the protections available to them. This legislation solves a real problem that we have seen firsthand. It is legislation that is meaningful in the real world in which farmworkers live.

**LD 589 would make farmworkers employees under Maine's wage and hour laws.**

Something I'm confident everyone in this room can agree on is that farmworkers are essential employees. Without their work we would not have food on the table to feed ourselves and our families. Most of us do not appreciate the amount of work it takes to grow, harvest, and transport the food we eat. The work is often physically taxing and among the most dangerous types of employment in our country. The Bureau of Labor Statistics consistently ranks farmwork as one of the leading industries for workplace injuries and fatalities. Given what we know about the importance of this work, and the risks that farmworkers take to feed us all, it is fundamentally unfair that they are excluded from the protections of wage and hour laws in this state.

**We regularly hear from farmworkers who have issues related to their wages. They have not been paid as promised, have been treated unfairly, or have even been terminated for asking for better pay. One recent example occurred just within the past 2 years. Pine Tree assisted two workers who were verbally and physically assaulted by their employer after asking for a raise of \$0.25 per hour. 25 cents. These workers, as you can imagine, were not making minimum wage. Their request was met with such hostility the workers felt forced to flee. Their employer refused to pay them their final checks, and Pine Tree ultimately had to**

**threaten legal action to secure the unpaid wages. This kind of problem would be less likely to occur if LD 589 were to pass. Farmworkers would be guaranteed minimum wage for their work and payment for their overtime hours consistent with many other states in our country, and consistent with the majority of other workers in the State of Maine. Given what we know about farm work and our collective agreement that farming is essential to all of us, farmworkers deserve these fundamental protections.**

**Thank you very much for your time this morning.**