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THE MAINE SENATE
132nd Legislature

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**Joint Standing Committee on Labor on
LD 357, An Act to Establish a State Minimum Hourly Wage for Agricultural
Workers
April 2, 2025**

Senator Tipping, Representative Roeder, and esteemed members of the Joint Standing Committee on Labor: I am Senator Rick Bennett of Oxford; and I have the honor of serving 14 communities in Western Maine in the State Senate. I am here to present LD 357, "An Act to Establish a State Minimum Hourly Wage for Agricultural Workers."

Agriculture is an exceedingly difficult field of work and working conditions can be very harsh. Maine family farmers and farm workers face early mornings and long days, exhausting physical labor in extreme heat and cold, inhalation of dangerous pesticides, and more. It is undeniable that farm work is not a job for the faint of heart. Denying minimum wage standards to agricultural workers undermines their contribution and diminishes the risks they face daily.

Regardless of how challenging this work is, there are no careers as vital to each of us, our families, and our communities as the agricultural sector. It is true what they say, "No farms, no food."

However, despite the importance and difficulty of these jobs, agricultural workers remain exempted from some of the basic labor protections that other careers enjoy. Agricultural workers, like any other workers, should be entitled to fair wages that reflect the basic cost of living. The principle of a minimum wage ensures that all workers are paid a fair rate for their labor. This is a matter of dignity and human rights. Without minimum wage protections, agricultural workers are at risk of being exploited.

According to the Maine Center for Economic Policy, American farmworkers earn 40% less than non-agricultural workers. Furthermore, foreign workers on H-2A visas have more protections than domestic Maine farmworkers, including a higher wage and better benefits. Some of the protections they are denied are benefits employees in other fields completely take for granted, including:

- Being paid no less than the state minimum wage
- Receiving a pay stub
- Taking unpaid rest breaks
- Receiving protection from excessive mandatory overtime hours
- Receiving overtime pay

- Organizing and collectively bargaining with their employers, and
- Engaging in concerted activity with coworkers to improve their working conditions.

Nationally, 70% of investigations by the U.S. Department of Labor found violations of labor law and wage theft. However, the odds that the U.S. DOL will investigate an agricultural employer is about 1%. If these protections are enacted into Maine Statute, we need to ensure that they can be enforced. This is why it is essential to have a private right to action.

A recent survey showed 98% of Maine farmworkers support extending the state's minimum wage to them. However, farmworkers who aren't paid at least the minimum wage have no legal standing under current Maine law.

Maine would not be the first state to expand these worker protections to farm laborers. Eight states include agricultural workers in minimum wage laws without exceptions, including:

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| - Arizona | - Nevada |
| - California | - New York |
| - Colorado | - North Dakota |
| - Connecticut | - South Dakota |

On top of that, 17 states include agricultural workers in the minimum wage with some exceptions, including:

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| - Arkansas | - Missouri |
| - Florida | - Montana |
| - Hawaii | - New Mexico |
| - Idaho | - Ohio |
| - Illinois | - Oregon |
| - Iowa | - Texas |
| - Maryland | - Utah |
| - Minnesota | - Washington |
| - Michigan | |

*Pennsylvania does not include agricultural workers in the minimum wage requirements but the Pennsylvania Seasonal Farm Labor Act requires that seasonal farm workers are paid at least the minimum wage.

Thank you for your time and consideration today. It is past time when essential agricultural workers enjoy the same protections as everyone else. I encourage you to vote "ought to pass" on LD 356.