



MAINE AFL-CIO

A Union of Unions Standing for Maine Workers

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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in favor of L.D. 1022 “An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws”

Senator Hickman, Representative Sylvester and members of Labor & Housing Committee, my name is Adam Goode. I’m the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 1022.

Working people, whether black, brown or white, should be able to go to a workplace where they have the dignity and respect of basic limits on mandatory overtime, a clear minimum wage and an overtime rate. The Maine AFL-CIO believes that expectation should apply to working people who perform labor related to agricultural produce, meat products, fish products and perishable foods.

We are well aware that you will hear from farmers and farm owners that have concerns about this concept. We recognize that farming is incredibly difficult work, that the economics of farming, especially family farming, are very challenging and that farmers work incredibly hard in Maine to scratch out an existence. That is all true and it is also true that workers should have fundamental rights to limits on mandatory overtime, minimum wage laws and clear rules on overtime rates. Those rights should not cease to exist simply because you walk into the doors or fields of your workplace.

It is important that we understand the historical reasons that agricultural workers were carved out of much of labor law protections, including the right to organize and collectively bargain. The reason for the inequity in protections between working people in the agriculture sector and working people in other sectors is rooted in a history in Maine and America of categorically excluding certain groups from basic labor rights and laws. These exclusions are rooted in the history of race and racism in this country. While history of these exclusions is not a comment on individual behavior or people who own farms, it remains an important aspect of labor law that is connected to systemic racism and access to workplace protections.

The National Labor Relations Act (NLRA), passed in 1935, is the primary federal law that establishes workers’ right to organize a union and lays out clear processes and procedures for collective bargaining. In 1935, racially discriminatory laws prevailed in much of the United States. In drafting the NLRA, Congress deferred to such laws by excluding two categories of predominately non-white

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¹ <https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1150&context=facpubs>

² <https://bangordailynews.com/2018/12/24/news/migrant-workers-at-maine-wreath-company-say-they-were-fired-after-complaining-about-harassment/>

³ <https://www.centralmaine.com/2021/03/30/madison-tomato-growers-to-pay-337000-in-back-wages-penalties-following-investigation/>

workers -- "agricultural laborers" and "domestics" -- from labor protections. This was done in large part to gain the Southern votes of "Dixiecrats" needed for passage of the NLRA in 1935.²

The impact of these exclusions, which were a part of the New Deal Era political system and served as a race-neutral proxy for excluding workers of color from statutory benefits and protections that most whites had, is felt today in Maine. State law does not allow farmworkers the security of rules around overtime and minimum wages that other working people benefit from. We think there should be changes in Maine laws that make it so that farmworkers can join other working people, whether black brown or white, in having reasonable hours and fair wages.

Many paid farmworkers in Maine are migrant workers. They work in agricultural fields related to blueberries, seafood, trees, poultry, dairy, wreaths and eggs. The nature of these work arrangements is full of power imbalances related to immigration status, language barriers and economic vulnerability. Exposure to pesticides, poor housing, isolation and loneliness are a normal part of the routine for migrant workers in Maine.

The last time this bill was heard, we cited then recent news of eight migrant workers who make wreaths in Maine being fired after reporting sexual harassment to their employers.² Now, just last week, a Maine tomato grower paid \$245,000 in back wages to migrant workers after violating federal labor laws.³ Limits on mandatory overtime and basic standards on minimum wage and overtime rates can protect agricultural workers. Other workers enjoy these basic protections. Agricultural workers should not be excluded.

We know that some farms in Maine may be concerned about the prospect of working people who perform agricultural labor having fair hours and wages. The rules around overtime and minimum wages serve as a basic rule for all working people in the workplace.

We represent 40,000 working people who have union jobs in Maine. For working class people, these jobs provide a sense of meaning as well as security, fairness and respect. We stand with you today to say that the same laws that grant working people in other sectors of Maine's economy the peace of mind that they will be able to both earn a living and have a life, that they will be able to get reasonable wages for a day's work, that they will get time and a half after 40 hours of wage work, and that they will be able to cultivate meaningful relationships with family and their community outside of work should apply to all working people in Maine.

We ask that you support LD 1022.

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