

# MAINE STATE LEGISLATURE

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6/1/25  
R O F S

L.D. 589

Date: 5/30/25

(Filing No. S-190)

MAJORITY  
LABOR

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STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 273, L.D. 589, "An Act to Make  
Agricultural Workers and Other Related Workers Employees Under the Wage and Hour  
Laws"

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and inserting the  
following:

**'Sec. 1. 26 MRSA c. 7, sub-c. 2-B is enacted to read:**

**SUBCHAPTER 2-B**

**AGRICULTURAL EMPLOYEE MINIMUM HOURLY WAGE AND RELATED  
PROVISIONS**

**§651. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms  
have the following meanings.

**1. Employ.** "Employ" means to suffer or permit to work.

**2. Employee.** "Employee" means an individual employed to perform agricultural  
labor as defined in the Employment Security Law and the Federal Unemployment Tax Act,  
except that members of the family of the employer who reside with and are dependent upon  
the employer are exempt from this subchapter.

**3. Employer.** "Employer" means a person or entity that directly or indirectly engages  
the services or permits the work of an individual employed to perform agricultural labor or  
an individual employed in certain activities related to agriculture.

1        **4. Wages.** "Wages" means compensation paid to an employee in the form of legal  
2 tender of the United States and checks on banks convertible into cash on demand and  
3 includes the reasonable cost to the employer that furnishes the employee board or lodging.  
4 "Wages" also includes compensation paid through a direct deposit system, automated teller  
5 machine card or other means of electronic transfer as long as the employee can make an  
6 initial withdrawal of the entire net pay without additional cost to the employee or the  
7 employee can choose another means of payment that involves no additional cost to the  
8 employee.

9        **§652. Minimum hourly wage**

10        An employer may not employ an employee at a rate less than the rates required by this  
11 section.

12        Beginning January 1, 2026, the minimum hourly wage for an employee is \$14.65 per  
13 hour, increased by the increase, if any, in the cost of living, measured by the percentage  
14 increase, if any, as of August of 2025 over August of 2024 in the Consumer Price Index  
15 for Urban Wage Earners and Clerical Workers, CPI-W, for the Northeast Region, or its  
16 successor index, as published by the United States Department of Labor, Bureau of Labor  
17 Statistics or its successor agency, with the amount of the minimum hourly wage increase  
18 rounded to the nearest multiple of 5¢. On January 1, 2027 and each January 1st thereafter,  
19 the minimum hourly wage then in effect must be increased by the increase, if any, in the  
20 cost of living. The increase in the cost of living must be measured by the percentage  
21 increase, if any, as of August of the previous year over the level as of August of the year  
22 preceding that year in the Consumer Price Index for Urban Wage Earners and Clerical  
23 Workers, CPI-W, for the Northeast Region, or its successor index, as published by the  
24 United States Department of Labor, Bureau of Labor Statistics or its successor agency, with  
25 the amount of the minimum hourly wage increase rounded to the nearest multiple of 5¢. If  
26 the highest federal minimum hourly wage is increased in excess of the minimum hourly  
27 wage in effect under this section, the minimum hourly wage under this section is increased  
28 to the same amount, effective on the same date as the increase in the federal minimum  
29 hourly wage, and must be increased in accordance with this section thereafter.

30        **§653. Records; retention, examination, copies**

31        An employer subject to this subchapter shall keep a true and accurate record of the  
32 hours worked by each employee and of the wages paid, such records to be preserved by the  
33 employer for a period of at least 3 years, and shall furnish to each employee with each  
34 payment of wages a statement that clearly shows the date of the pay period, the hours, total  
35 earnings and itemized deductions. An employer making payment by direct deposit or other  
36 means of electronic transfer shall provide each employee with an accurate record of the  
37 transfer, including the date of the pay period, the hours, total earnings and itemized  
38 deductions, when the transfer is made. If the record is provided in an electronic format, the  
39 employer shall provide a method by which the employee may have ready access to the  
40 information and print it without cost to the employee. The director or the director's  
41 authorized representative may, and upon written complaint shall, enter the place of business  
42 or employment of an employer or employee for the purpose of examining and inspecting  
43 such records and copy any such records as the director or the director's authorized  
44 representative determines necessary or appropriate. All information received is considered  
45 confidential and may not be divulged to any other person or agency, except as may be  
46 necessary for the enforcement of this subchapter.

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**§654. Enforcement**

An employer is liable to an employee for the amount of any unpaid minimum hourly wages under this subchapter. Upon a judgment being rendered in favor of an employee in any action brought to recover unpaid minimum hourly wages under this subchapter, the judgment must include, in addition to the unpaid minimum hourly wages adjudged to be due, an additional amount equal to the unpaid minimum hourly wages as liquidated damages and costs of suit, including a reasonable attorney's fee.

An employer that violates this subchapter is subject to a fine of not less than \$50 and not more than \$200.

An employer that discharges or in any other manner discriminates against an employee because the employee makes a complaint to the director or to a district attorney concerning a violation of this subchapter is subject to a fine of not less than \$50 and not more than \$200.

The Department of Labor has exclusive authority to bring an action for unpaid wages on behalf of an employee or employees under this section.

This section may not be construed to restrict or impair any existing right available to an employee under any other section of this chapter.

In the event of a violation of this subchapter, the Attorney General may bring an action in the Superior Court to enjoin further violation of this subchapter.

**§655. Unfair contracts**

An employer may not be exempted from this subchapter by special contract with an employee or by any other means.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill and changes the title. The amendment provides that, beginning January 1, 2026, the minimum hourly wage for an individual employed to perform agricultural labor may not be paid at a rate less than the state minimum hourly wage. It provides that, on January 1, 2027 and each January 1st thereafter, the minimum hourly wage then in effect must be increased by the increase in the cost of living. It also provides that employers that employ individuals to perform agricultural labor are required to keep a true and accurate record of the hours worked by each employee and the wages paid to each employee. The amendment provides remedies for employees and penalties for employers for minimum hourly wage violations. It provides that the Department of Labor has exclusive authority to bring an action for unpaid wages on behalf of an employee for unpaid minimum hourly wages. It also provides that the provisions of the amendment may not be construed to restrict or impair any existing right available to an employee under any other section of the Maine Revised Statutes, Title 26, chapter 7.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 05/16/25 **LRL**

# 132nd MAINE LEGISLATURE

LD 589

LR 197(02)

## An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Labor

Fiscal Note Required: Yes

A(S-196)

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase — Other Special Revenue Funds

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases does not require additional funding at this time. The collection of additional fines and filing fees will increase General Fund or other dedicated revenue by minor amounts.

### Fiscal Detail and Notes

Any additional costs to the Department of Labor and the Office of the Attorney General from the enforcement of this bill are expected to be minor and can be absorbed within existing budgeted resources.