

MAINE STATE LEGISLATURE

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Office of
The Governor

No. 1 FY 23/24
DATE July 23, 2023

**AN ORDER ESTABLISHING A COMMITTEE TO DEVELOP AND IMPLEMENT A
MINIMUM WAGE BILL FOR AGRICULTURAL WORKERS**

WHEREAS, Maine's agriculture sector fuels our economy, contributing more than \$3.6 billion in economic impact, employing over 27,000 people, and supporting approximately 1.3 million acres of farmland; and

WHEREAS, Maine's agricultural workers, including farmers and farm workers, are the foundation for a vibrant food system that ensures the availability of high-quality farm products year-round; and

WHEREAS, all those who make their living in the agricultural sector deserve fair wages for their labor; and

WHEREAS, L.D. 398, *An Act To Make Agricultural Workers and Other Related Workers Employees Under Wage and Hour Laws*, was passed by the 131st Legislature; however, due to concerns about its potential scope, terminology, and potential unintended consequences, the bill was vetoed;

WHEREAS, legislation implementing a minimum wage bill for agricultural workers should be enacted with a clear understanding of the resulting impacts on State or Federal labor, employment, and other relevant laws;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to Me. Const. Art V, Pt. 1, §§ 1 & 12, do hereby Order as follows:

I. ESTABLISHMENT AND PURPOSE

The Committee to Develop and Implement a Minimum Wage Bill for Agricultural Workers is hereby established. The purpose of the Committee is to develop legislation for introduction in the second session of the 131st Legislature that will implement a minimum wage for agricultural workers, identify

the impacts the bill will have through other laws interconnected with Federal and State wage and hour laws, and ensure the full range of impacts are thoroughly understood by both agricultural employers and their workers.

The Committee shall:

- A. Identify what State or Federal labor laws and regulations may apply to seasonal and full-time farm workers if deemed employees for the purpose of minimum wage payment, including but not limited to unemployment requirements, independent contractor status, recordkeeping, piecework compensation, overtime maximum limitations, wage calculation and housing, and other relevant employment-related criteria;
- B. Review terminology in State law and regulation related to agricultural labor and agricultural workers and its application, if any, related to minimum wage legislation;
- C. Identify other topical issues of concern related to minimum wage and agricultural employment that can be readily analyzed as necessary;
- D. Gather data, to the extent practicable, on wages and benefits currently paid to agricultural workers, including migrant workers; and
- E. Identify any guidance from the Department of Labor necessary to assist employers regarding a proposed minimum wage bill.

II. Membership

The Co-Chairs of the Committee shall be the Commissioner of Department of Agriculture, Conservation and Forestry and the Commissioner of Department of Labor, or their designees. The Attorney General is requested to provide legal assistance to the Committee, within available resources. The following are invited to be on the Committee:

- 1. The Speaker of the House of Representatives or her designee;
- 2. The President of the Senate or his designee;
- 3. A representative of the Maine Farm Bureau;
- 4. A representative of the Maine Potato Board;
- 5. A representative of the Wild Blueberry Commission;
- 6. A representative of the Maine Dairy Industry;
- 7. A representative of the Maine Organic Farm Gardeners Association;
- 8. A representative of the Passamaquoddy Wild Blueberry Co.;
- 9. A representative of the Maine AFL-CIO;
- 10. A representative of the Pine Tree Legal Assistance Farm Worker Unit;
- 11. A representative of the Maine Center for Economic Policy;
- 12. A representative of an statewide organization dedicated to supporting farmworkers and immigrants Downeast; and
- 13. A representative of a statewide land trust dedicated to protecting farmland and supporting farmers.

III. Proceedings

The Departments shall co-chair, set the agenda for, and schedule the Committee meetings. The Committee may conduct its work in part by using subcommittees to be established at the discretion of the co-chairs. The Committee shall meet as often as necessary to complete its duties. The Committee shall seek feedback from interested parties in a manner that accommodates time constraints and seasonal considerations affecting individuals' ability to participate.

To the extent practicable, all meetings shall be open to the public and held in locations determined to by the Committee, or will be held virtually, but the proceedings of the Committee are not otherwise "public proceedings" within the meaning of 1 M.R.S. § 402(2)(F). The Department of Agriculture, Conservation and Forestry and the Department of Labor shall staff the Committee as resources permit.

IV. Recommendations


The Committee shall submit a summary of its assessment process, findings, and any corresponding recommendations to the Governor on or before December 1, 2023, after which the authority of this Executive Order shall dissolve.

V. Compensation

Members of the Committee shall serve without compensation.

VI. Effective Date

The Effective Date of this Order is July 25, 2023.


Janet T. Mills, Governor