

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2273

H.P. 1462

House of Representatives, March 21, 2024

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

Reference to the Committee on Labor and Housing suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator TIPPING of Penobscot and
Representative: ROEDER of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **SUBCHAPTER 2-B**

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

6 **§651. Definitions**

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

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

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

14 **3. Wages.** "Wages" means compensation paid to an employee in the form of legal
15 tender of the United States and checks on banks convertible into cash on demand and
16 includes the reasonable cost to the employer who furnishes the employee board or lodging.
17 "Wages" also includes compensation paid through a direct deposit system, automated teller
18 machine card or other means of electronic transfer as long as the employee either can make
19 an initial withdrawal of the entire net pay without additional cost to the employee or the
20 employee can choose another means of payment that involves no additional cost to the
21 employee.

22 **§652. Minimum hourly wage**

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

25 Beginning September 1, 2024, the minimum hourly wage for an employee is \$14.15
26 per hour. On January 1, 2025 and each January 1st thereafter, the minimum hourly wage
27 then in effect must be increased by the increase, if any, in the cost of living. The increase
28 in the cost of living must be measured by the percentage increase, if any, as of August of
29 the previous year over the level as of August of the year preceding that year in the
30 Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, for the
31 Northeast Region, or its successor index, as published by the United States Department of
32 Labor, Bureau of Labor Statistics or its successor agency, with the amount of the minimum
33 hourly wage increase rounded to the nearest multiple of 5¢. If the highest federal minimum
34 hourly wage is increased in excess of the minimum hourly wage in effect under this section,
35 the minimum hourly wage under this section is increased to the same amount, effective on
36 the same date as the increase in the federal minimum hourly wage, and must be increased
37 in accordance with this section thereafter.

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

39 An employer subject to this subchapter shall keep a true and accurate record of the
40 hours worked by each employee and of the wages paid, such records to be preserved by the

1 employer for a period of at least 3 years, and shall furnish to each employee with each
2 payment of wages a statement that clearly shows the date of the pay period, the hours, total
3 earnings and itemized deductions. An employer making payment by direct deposit or other
4 means of electronic transfer shall provide each employee with an accurate record of the
5 transfer, including the date of the pay period, the hours, total earnings and itemized
6 deductions, when the transfer is made. If the record is provided in an electronic format, the
7 employer shall provide a method by which the employee may have ready access to the
8 information and print it without cost to the employee. The Director of the Bureau of Labor
9 Standards or the director's authorized representative may, and upon written complaint shall,
10 enter the place of business or employment of an employer or employee for the purpose of
11 examining and inspecting such records and copy any such records as the director or the
12 director's authorized representative determines necessary or appropriate. All information
13 received is considered confidential and may not be divulged to any other person or agency,
14 except as may be necessary for the enforcement of this subchapter.

15 **§654. Employees' remedies**

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

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

24 **§655. Penalties**

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

27 An employer who discharges or in any other manner discriminates against an employee
28 because the employee makes a complaint to the Director of the Bureau of Labor Standards
29 or to a district attorney concerning a violation of this subchapter is subject to a fine of not
30 less than \$50 and not more than \$200.

31 In the event of a violation of this subchapter, the Attorney General may institute
32 injunction proceedings in the Superior Court to enjoin further violation of this subchapter.

33 **§656. Unfair contracts**

34 An employer may not by special contract with an employee or by any other means
35 exempt the employer from this subchapter.

36 **SUMMARY**

37 This bill provides that individuals employed to perform agricultural labor may not be
38 paid at a rate less than \$14.15 per hour, the state minimum hourly wage that was in effect
39 February 7, 2024. It also provides that employers who employ individuals to perform
40 agricultural labor are required to keep a true and accurate record of the hours worked by
41 each employee and the wages paid to each employee. The bill also provides remedies for
42 employees and penalties for employers for unpaid minimum hourly wage violations.