



Janet T. Mills
GOVERNOR

STATE OF MAINE
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AUGUSTA, MAINE
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July 19, 2023

The 131th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 398, *An Act To Make Agricultural Workers and Other Related Workers Employees Under Wage and Hour Laws*.

I take this action reluctantly because I strongly support a minimum wage for farm workers.

L.D. 398 began as a proposal primarily requiring overtime pay for individuals employed in canning, processing, preserving, freezing, drying, marketing, storing, packing or distributing agricultural produce, meat and fish products and perishable foods. It then metamorphosed into a bill to create an “Agricultural Employees Concerted Activity Protection Act.” On the last night of the regular legislative session, the bill was substantially amended yet again and scaled back significantly. This bill, as amended in its final form, appears to affect only the minimum wage and the overtime provisions of Title 26 as they pertain to agricultural employees.

But this confusing evolution of the legislation has led to a series of questions from members of the agricultural community about the true scope of the language. For example, “agricultural workers” and “agricultural labor” are terms used elsewhere in Maine law for other, different purposes and members of the agricultural community now justifiably wonder whether the engrossed version of LD 398 also affects in some unintended way some other provisions of State or Federal labor laws dealing with unemployment, independent contractor status, records of payment and piecework compensation – parts of law that were not intended to be dealt with under this bill.

Ideally, I would have requested that the Legislature recall this bill from my desk in order to clarify for all affected parties what the bill does and does not do and what aspects of farm employment it may or may not change. However, because the Legislature is not in session this week, a recall before the expiration of the ten-day window required by the Maine Constitution is not possible.

To continue the discussion and promote consensus surrounding the issues this bill has presented, my only option then is to return the bill to this Legislature with my objections and to reconstitute the stakeholder group.



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Therefore, in the coming weeks, I will issue an Executive Order to reestablish the stakeholder group in a more formal fashion in order to allow for a longer and more in-depth analysis of the bill's provisions and the relationship of the change in definition of "employee" to other measures that affect agricultural work.

Out of this work, I believe we can arrive at a shared understanding of how to implement a minimum wage bill for farmworkers, at which point I will present a Governor's bill during the Second Regular Session of this Legislature to address these issues without the confusion that now surrounds this bill.

For the reasons set forth above, I return L.D. 398 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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