

**Agricultural Workers Minimum Wage Committee Meeting**  
**September 5, 2023, 1:00 – 4:00 p.m.**  
**DMR Marquardt Building, Room 118, 32 Blossom Lane, Augusta**

**Desired Outcomes** - By the end of this meeting, we will have:

- Reviewed and adopted Working Agreements to guide the Committee’s work
- Reviewed the Governor’s Executive Order to achieve a common understanding of the Committee’s charge
- Discussed the process timeline and the provided input into the topics to be addressed
- Learned from foundational presentations on Maine agriculture and agricultural workers
- Provided an opportunity for public input

What	When
Welcome – Commissioner Fortman, Deputy Commissioner McBrady Introductions – Saffeir, All Remote Participation Policy Adoption - Macri Agenda Review - Saffeir	1:00 - 1:40
Review of Working Agreements - Saffeir	1:40 - 1:50
Review of Executive Order – Fortman, McBrady	1:50 - 2:20
Break	2:20 - 2:30
Review of Timeline and Initial Topics – Saffeir, Fortman	2:30 – 2:40
Technical Presentations and Discussion – McBrady, Macri	2:40 - 3:40
Public Input	3:40 - 3:50
Concluding Remarks – McBrady, Fortman Next steps; next meeting; meeting feedback - Saffeir	3:50 - 4:00



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 131<sup>st</sup> 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 131<sup>st</sup> 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**

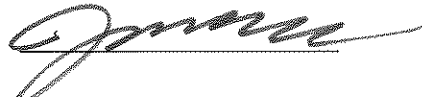
The Committee shall submit a summary of its assessment process, findings, and any corresponding recommendations to the Governor on or before December 1, 2023, after which the authority of this Executive Order shall dissolve.

### **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

# **Agricultural Workers Minimum Wage Committee Membership**

## **Committee Co-Chairs**

- Commissioner Laura Fortman, Maine Department of Labor
- Deputy Commissioner Nancy McBrady, Maine Department of Agriculture, Conservation and Forestry

## **Committee Membership**

1. The Speaker of the House of Representatives or her designee
  - Speaker Talbot Ross
  - Thom Harnett (alternate)
2. The President of the Senate or his designee
  - TBD
3. A representative of the Maine Farm Bureau
  - Julie Anne Smith
4. A representative of the Maine Potato Board
  - Jeannie Tapley
5. A representative of the Wild Blueberry Commission
  - Eric Venturini
6. A representative of the Maine Dairy Industry
  - Heath Miller
7. A representative of the Maine Organic Farmers and Gardeners Association
  - Heather Spaulding
8. A representative of the Passamaquoddy Wild Blueberry Co.
  - Darren Paul
  - J.D. Newell (alternate)
  - Holli Francis (alternate)
9. A representative of the Maine AFL-CIO
  - Matt Schlobohm
10. A representative of the Pine Tree Legal Assistance Farm Worker Unit
  - Mike Guare
11. A representative of the Maine Center for Economic Policy
  - Arthur Phillips
12. A representative of a statewide organization dedicated to supporting farmworkers and immigrants Downeast
  - Juana Rodriguez, Mano en Mano
  - Sean Douglas, Mano en Mano (alternate)
13. A representative of a statewide land trust dedicated to protecting farmland and supporting farmers
  - Shelley Megquier, Maine Farmland Trust

# Agricultural Workers Minimum Wage Committee

## Remote Participation Policy

The Agricultural Workers Minimum Wage Committee (the Committee) will meet from September to November 2023, with approximately half of its meetings held in person and the other half held remotely. **When meetings are held in person, Committee members are strongly encouraged to attend in person to maximize learning, communication, and collaboration.**

The Committee allows participation by the public in its meetings by remote methods in accordance with the Freedom of Access Act (FOAA), 1 MRS §403-B(1). Members of the Committee are also permitted to participate by remote methods as outlined in 1 MRS §403-B(2).

"Remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

Members of the public will be provided a meaningful opportunity to attend by remote methods when members of the Committee participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. Auxiliary aids and services will be provided upon request. If special services, assistance, or accommodations to participate in a meeting is needed, please contact Dillon Murray, [Dillon.F.Murray@maine.gov](mailto:Dillon.F.Murray@maine.gov) least two weeks in advance so arrangements can be made.

When the Committee provides an opportunity for public input during a meeting, an effective means of communication between the members of the Committee and the public will be provided, such as access to a microphone, chat feature, or other method.

Notice of the meetings will be provided as required by FOAA, 1 MRS §406. Meeting notices will include the means by which members of the public may access the meeting using remote methods. For individuals with disabilities seeking a reasonable accommodation, the notice will identify the specific individual to contact about arranging for the accommodation (Dillon Murray, [Dillon.F.Murray@maine.gov](mailto:Dillon.F.Murray@maine.gov)). The notice will also identify a location for members of the public to attend in person. The Committee may determine that public attendance at a proceeding will be limited solely to remote methods only if an emergency or urgent situation exists that requires the Committee to meet by remote methods.

The Committee will make all documents and other materials considered by the Committee available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the Committee.

# **Agricultural Workers Minimum Wage Committee**

## **DRAFT Working Agreements**

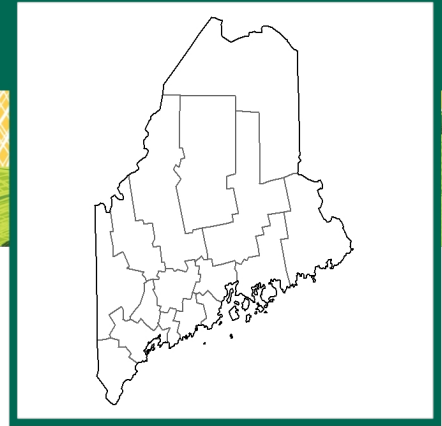
The *Committee to Develop and Implement a Minimum Wage Bill for Agricultural Workers* established by Executive Order 1 23/24 is an advisory committee. Discussions and deliberations will be conducted in accordance with the Working Agreements determined by the co-Chairs in consultation with the members of the Committee. In accordance with those Working Agreements, Committee members will strive to achieve a common understanding of the subjects and outcomes of the Committee's work, including the resulting final summary of its assessment process, findings, and any corresponding recommendations to the Governor. The Committee's work will be guided by an aspiration to achieve consensus. Decisions regarding the final summary, findings, and recommendations will be made by the co-Chairs with input from Committee members and will be submitted to the Governor by the co-Chairs on behalf of the Committee.

- Meetings will start and end on time.
- When meetings are held in person, Committee members will make every effort to attend in person to maximize learning, communication, and collaboration.
- Cameras will remain on during virtual meetings to facilitate communication and understanding.
- Meeting materials will be shared in advance of meetings with sufficient time for review.
- Come prepared, having read meeting materials and completed assignments.
- Be present and engaged.
- Strive for equal airtime, enabling all to participate fully.
- Listen with curiosity and an openness to learning and understanding.
- Adopt a creative problem-solving orientation.
- Name the tension, kindly.
- Humor is welcome.

**Agricultural Workers Minimum Wage Committee**  
**Proposed Meeting Schedule**

- 1. Sept. 5 (Tues), 1-4 pm, Augusta**
  - 2. Sept. 25 (Mon), 1-3:30 pm, Augusta**
  - 3. Oct. 2 (Mon), 1-3 pm, virtual**
  - 4. Oct. 16 (Mon), 1-3 pm, virtual**
  - 5. Oct. 30 (Mon), 1-3:30 pm, Augusta**
  - 6. Nov. 13 (Mon), 1-3 pm, virtual**
  - 7. Nov. 27 (Mon), 1-3:30 pm, Augusta**
- Dec. 1, 2023 – submit language to Governor**



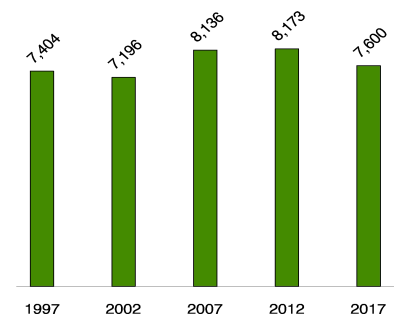


# Maine

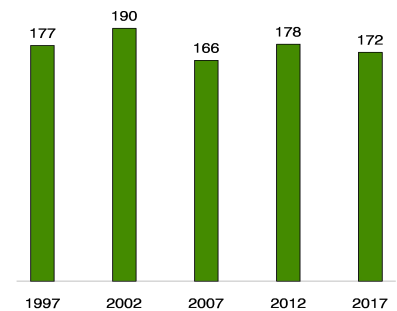
## Total and Per Farm Overview, 2017 and change since 2012

	2017	% change since 2012
Number of farms	7,600	-7
Land in farms (acres)	1,307,613	-10
Average size of farm (acres)	172	-3
<b>Total</b>	<b>(\$)</b>	
Market value of products sold	666,962,000	-13
Government payments	8,947,000	-12
Farm-related income	39,534,000	+7
Total farm production expenses	586,564,000	-9
Net cash farm income	128,878,000	-22
<b>Per farm average</b>	<b>(\$)</b>	
Market value of products sold	87,758	-6
Government payments (average per farm receiving)	10,805	+42
Farm-related income	16,189	+19
Total farm production expenses	77,179	-2
Net cash farm income	16,958	-16

## Number of Farms, 1997-2017



## Average Farm Size, 1997-2017 (acres)



## Farms by Value of Sales

	Number	Percent of Total <sup>a</sup>
Less than \$2,500	3,122	41
\$2,500 to \$4,999	932	12
\$5,000 to \$9,999	1,058	14
\$10,000 to \$24,999	976	13
\$25,000 to \$49,999	479	6
\$50,000 to \$99,999	334	4
\$100,000 or more	699	9

## Farms by Size

	Number	Percent of Total <sup>a</sup>
1 to 9 acres	1,427	19
10 to 49 acres	2,157	28
50 to 179 acres	2,410	32
180 to 499 acres	1,108	15
500 to 999 acres	313	4
1,000 + acres	185	2

**Market Value of Agricultural Products Sold**

	Sales (\$1,000)	Rank in U.S. <sup>b</sup>	States Producing Item
<b>Total</b>	<b>666,962</b>	<b>43</b>	<b>50</b>
<b>Crops</b>	<b>408,839</b>	<b>41</b>	<b>50</b>
Grains, oilseeds, dry beans, dry peas	16,220	45	50
Tobacco	-	-	18
Cotton and cottonseed	-	-	17
Vegetables, melons, potatoes, sweet potatoes	221,265	17	50
Fruits, tree nuts, berries	51,510	18	50
Nursery, greenhouse, floriculture, sod	71,401	33	50
Cultivated Christmas trees, short rotation woody crops	3,575	14	50
Other crops and hay	44,867	41	50
<b>Livestock, poultry, and products</b>	<b>258,123</b>	<b>43</b>	<b>50</b>
Poultry and eggs	16,683	41	50
Cattle and calves	26,423	43	50
Milk from cows	134,560	31	50
Hogs and pigs	1,892	41	50
Sheep, goats, wool, mohair, milk	4,596	36	50
Horses, ponies, mules, burros, donkeys	1,926	46	50
Aquaculture	64,070	12	50
Other animals and animal products	7,972	35	50

(Z) Percent of U.S. agriculture sales

**Share of Sales by Type (%)**

Crops	61
Livestock, poultry, and products	39

**Land in Farms by Use (acres)**

Cropland	472,508
Pastureland	62,369
Woodland	685,529
Other	87,207

**Top Counties: Land in Farms (acres)**

Aroostook	317,082
Somerset	145,833
Washington	124,845
Penobscot	105,452
Kennebec	82,132

**Total Producers <sup>c</sup>**

**13,414**

<b>Sex</b>	
Male	7,555
Female	5,859
<b>Age</b>	
<35	1,253
35 – 64	7,914
65 and older	4,247
<b>Race</b>	
American Indian/Alaska Native	39
Asian	33
Black or African American	146
Native Hawaiian/Pacific Islander	8
White	13,086
More than one race	102
<b>Other characteristics</b>	
Hispanic, Latino, Spanish origin	124
With military service	1,531
New and beginning farmers	4,398

**Percent of farms that:**

Have internet access	<b>84</b>
Farm organically	<b>7</b>
Sell directly to consumers	<b>27</b>
Hire farm labor	<b>29</b>
Are family farms	<b>96</b>

**Top Crops in Acres <sup>d</sup>**

Forage (hay/haylage), all	175,231
Vegetables harvested, all	62,239
Potatoes	50,211
Land in berries	39,930
Blueberries, all	39,286

**Livestock Inventory (Dec 31, 2017)**

Broilers and other meat-type chickens	57,828
Cattle and calves	79,416
Goats	5,893
Hogs and pigs	4,632
Horses and ponies	8,549
Layers (D)	
Pullets	68,114
Sheep and lambs	13,488
Turkeys	7,702

See 2017 Census of Agriculture, U.S. Summary and State Data, for complete footnotes, explanations, definitions, commodity descriptions, and methodology.

<sup>a</sup> May not add to 100% due to rounding. <sup>b</sup> Among states whose rank can be displayed. <sup>c</sup> Data collected for a maximum of four producers per farm.

<sup>d</sup> Crop commodity names may be shortened; see full names at [www.nass.usda.gov/go/cropnames.pdf](http://www.nass.usda.gov/go/cropnames.pdf). <sup>e</sup> Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.