

Agricultural Workers Minimum Wage Committee Virtual Meeting
October 2, 2023, 1:00 – 3:00 p.m.

Zoom Link: <https://mainestate.zoom.us/j/86802231722>

Website: <https://www.maine.gov/labor/mwaw/>

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

- Reminded ourselves of the Working Agreements guiding the Committee’s work
- Grounded all Committee discussion on direct relevance to the Governor’s Executive Order
- Learned from and discussed employment data and a presentation on the implications of a minimum wage for agricultural workers and their employers
- Provided an opportunity for public input

What	When
Opening Remarks – McBrady, Fortman Review of Working Agreements and Agenda Review - Saffeir	1:00 - 1:10
Data Discussion	1:10 – 1:25
Presentation: Implications of a Minimum Wage – housing, meals, transportation, recordkeeping, limits on mandatory overtime, rest breaks Anne Macri, Assistant Attorney General Bureau of Labor Standards	1:25 – 2:10
Presentation Discussion	2:10 – 2:45
Public Input	2:45 – 2:55
Concluding Remarks – McBrady, Fortman Next steps; next meeting in person? - Saffeir	2:55 – 3:00

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
 - Senate President Jackson
 - Sen. Tipping (alternate)
3. A representative of the Maine Farm Bureau
 - Penelope Jordan
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 Spalding
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

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.



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

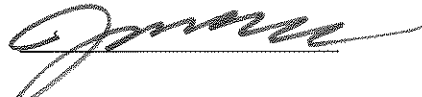
The Committee shall submit a summary of its assessment process, findings, and any corresponding recommendations to the Governor on or before December 1, 2023, after which the authority of this Executive Order shall dissolve.

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

Maine Employment Law

Maine Department of Labor Bureau of Labor Standards Wage and Hour Division



The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services are available to individuals with disabilities upon request.

MAINE
DEPARTMENT OF
LABOR
Labor Standards

Overview

This presentation will cover

- What is Wage & Hour law
- Maine Wage & Hour laws that **currently apply** to agricultural workers and employers
- The current status of Maine Minimum Wage Law
- The effect of possible changes to Maine Minimum Wage Law



Wage and Hour at a Glance

- Maine Wage and Hour Law (Title 26, Chapter 7) includes approximately 70 statutes
- Worker-protective remedial laws create a level playing field for all businesses to succeed
- State law is supplemental to federal – whichever is more protective applies
- Presumptively applies to all employers and all workers, unless there is an applicable exemption
- The Wage and Hour Division (WHD) may conduct investigations based on complaints, random inspections and/or strategic enforcement priorities



Investigation Process

- Wage & Hour Division receives a complaint or tip
- An investigation will be initiated if the complaint asserts a potential violation of a Chapter 7 statute
- Investigations are conducted primarily by Labor and Safety Inspectors, who will contact the person initiating the complaint and the employer
- Complaints may be anonymous or may request confidentiality
- Typically, WHD will request employer records and review them for violations



Common Issues in Wage & Hour

In 2022, BLS cited **5,811** violations of Chapter 7 statutes

- 25% 621-A (Timely and Full Payment of Wages)
- 25% 622 (Recordkeeping)
- 13% 771-775 (Child Labor)
- 1% 591-A (Misclassification)
- 1% other Workplace Rights statutes (e.g. non-competes, personnel files, improper deductions)

Approximately 32% of the total violations involved Subchapter 3, which includes minimum wage, overtime, payment of tips, and records. Of those, over half involved either tips or overtime.



Existing Wage & Hour Laws that Cover Agriculture

- 591-A Employee misclassification
- 592 Charge by employer
- 594 Charge for an application for employment
- 596 Recall Period
- 597 Conditions of employment
- 598 Employment Reference Immunity
- 598-A Prospective Employee's Social Security Number
- 599-A Noncompete Agreements
- 599-C Nondisclosure agreements
- 600 Concealed Firearms in Vehicles



Existing Wage & Hour Laws that Cover Agriculture

- 600-A Criminal History on employment application
- 604 Nursing mothers in the workplace
- 615-619 Employee Social Media Privacy
- 621-A Timely and full payment of wages
- 622 Records
- 625-B Severance pay
- 626 Cessation of employment
- 626-A Penalties
- 628 Equal pay
- 628-A Compensation history
- 629 Unfair agreements
- 629-A Fringe Benefits as Wages
- 629-B Employee Health Benefit Plans
- 630 Written reason for separation
- 631 Employee right to review personnel file
- 635 Overcompensation by employer



Existing Wage & Hour Laws that Cover Agriculture

- 636 Family sick leave
- 637 Earned Paid Leave
- 638 Leave for appointments for veterans
- 639 Wage Theft
- 643 Transportation of workers
- 644 Prohibition against discrimination and retaliation
- 771-786 Child Labor
- 806-807 Sexual Harassment Policies
- 809-810 Emergency Response Employees
- 811-814 Leave Relating to Reserve Training or Military Service
- 821-830 Leave of Absence as Legislator
- 843-849-A Family Medical Leave
- 850 Employment leave for victims of violence
- 876-878 Veteran preference employment policy
- 879 Human Trafficking Awareness signs



Violations and Enforcement

Chapter 7 includes a variety of mechanisms for enforcement, including:

- Penalties ranging from \$25 to \$50,000, including multipliers that may apply
- Private rights of action
- Unpaid Wages
- Liquidated Damages
- Cessation of Operations orders

In addition, some sections of Chapter 7 contain specific prohibitions against retaliation, often with additional accompanying remedies



Subchapter 3 – Minimum Wages

This subchapter, broadly, establishes the obligation of employers to pay Maine minimum wage (\$13.80 in 2023) and overtime after 40 hours of work in one week (§664). It also includes the requirement to keep true and accurate records of the hours worked by each employee and the wages paid, as well as the requirement to provide employees with a wage payment statement that shows the date of the pay period, the employee's hours worked, total wages earned and itemized deductions (§665). Employers are not permitted to contract around these requirements (§672).

Currently, individuals employed in agriculture are exempt from the entirety of Subchapter 3 (§ 663(3)(A)).



Effect of Removing the Exemption

- Individuals employed in agriculture would be covered by the requirements of Subchapter 3
- Those individuals would also be covered by additional laws:
 - **§ 601 Rest Breaks** – requires that employees must be given the opportunity to take a 30 minute break (may be unpaid) after working 6 hours unless certain exceptions apply
 - Emergency in which there is danger to property, life, public safety or public health
 - Does not apply to any place of employment where there are fewer than 3 employees on duty at any time **and** where the nature of the work allows frequent, paid breaks of a shorter duration
 - **§ 603 Limits on Mandatory Overtime** – Employers may not **require** employees to work more than 80 hours of overtime in any consecutive 2-week period – voluntary overtime is not limited
 - Some additional exceptions apply, including for seasonal employers



Additional Resources

The Bureau of Labor Standards regularly conducts compliance classes with detailed information about the laws cited here today – contact BLS for details.

Maine Farmer Resource Network - <https://extension.umaine.edu/maine-farmer-resource-network/>

Bureau of Labor Standards Website - <https://www.maine.gov/labor/bls/>



Questions and Comments

Scott Cotnoir, Director
Wage and Hour Division
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045

PHONE: 207-623-7900

FAX: 207-623-7934

TTY: Maine relay 711

E-mail: bls.mdol@maine.gov

Website: <http://www.maine.gov/labor/bls/>



WORKERS' COMPENSATION & AGRICULTURE

September 25, 2023



Pursuant to the Workers' Compensation Act ("WCA"), employers are required to purchase workers' compensation insurance for their employees.



Agricultural employers are considered employers for purposes of the WCA.



Unlike most other employers, agricultural employers may exempt themselves from the requirement to purchase workers' compensation insurance for their employees.



The burden is on the agricultural employer to prove an exemption applies.

Agriculture means:



The planting, cultivating, producing, growing and harvesting of agricultural or horticultural commodities on those premises;



The raising of livestock and poultry on those premises;



Any work performed as an incident to or in conjunction with these farm operations, including the packing, drying and storing of these commodities for market, if these operations:

Are incident to or in conjunction with growing and harvesting farm operations of the same employer; and

Are not provided as a service for other farm operations or employers; or



Equine activity, as defined in Title 7, section 4101, subsection 5.

There are two different exemptions:

One for seasonal or casual laborers

One for agricultural laborers who are not seasonal or casual

First exemption: Employees engaged in agriculture as seasonal or casual laborers

Casual means occasional or incidental

Seasonal workers start work at or after the commencement of the planting or seeding season and stop at or before the completion of the harvest season

Exemption applies regardless of how many casual and seasonal workers are employed

The exemption only applies if the agricultural employer has “an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$5,000.”

If an agricultural employer does not have an employer's liability insurance policy it must have a workers' compensation policy for these employees.

Second exemption: Agricultural laborers who are not seasonal or casual

Employers can only have:

6 or fewer such employees; or,

Total hours worked by all such employees cannot exceed 240 hours in a week at any point in the 52 weeks preceding an injury.

The following does not count toward the total:

- Seasonal and casual workers

- Immediate family members of unincorporated employers

- Immediate family members of owners of > 20% of voting stock in incorporated employers

Coverage requirement is “an employer’s liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$5,000.”

If an agricultural employer does not have an employer’s liability insurance policy it must have a workers’ compensation policy for these employees.

The role of the Workers' Compensation Board

- ▶ If an agricultural and aquacultural employer qualifies for an exemption, the Workers' Compensation Board has no jurisdiction over injuries that may occur or disputes that may arise. *Zorn v. Carl R. Smith Potatoes*, 1997 ME 223.
- ▶ The Board, if it receives an inquiry, will check to determine whether an employer qualifies for the exemption.
- ▶ If an employer does not qualify for the exemption, it may be subject to penalties for failing to secure workers' compensation coverage.

Questions about employer's liability policies

- ▶ If you have any questions regarding the employer liability policy, please contact the Maine Bureau of Insurance at (207) 624-8475 or toll free in Maine at (800) 300-5000 and ask to speak with someone in the Property and Casualty Division.
- ▶ Employers and employees are also welcome to contact the Workers' Compensation Board with any questions.
- ▶ We will try to answer questions we receive or, if we cannot, try to point you in the right direction.

Thank you.

If you have any questions or would like more information, please feel free to contact me.


John C. Rohde

Executive Director

State of Maine Workers' Compensation Board

John.Rohde@maine.gov

(207) 287-7086 or (207) 441-4469



Unemployment Coverage & Agricultural Workers

Laura Boyett, Bureau Director

Unemployment Compensation

Agenda

Introduction – Unemployment Coverage
& Liability

Agricultural Labor – Covered Services

Agricultural Employer Liability

Are H2A workers covered?

Seasonality

Independent Contractors



Introduction

Agricultural services performed on a farm are covered by the Maine Unemployment Insurance (UI) Program under federal & state laws.

Agricultural workers are potentially eligible for UI benefit protections, but **only if** their employers meet certain liability requirements.

Liability is **not** determined by the hourly wage paid to a worker performing agricultural services.





Agricultural Labor

Services *potentially* eligible for
unemployment program
coverage

Types of Covered Services Performed on a Farm



- Cultivating the soil
- Raising or harvesting any agricultural, aquacultural, or horticultural commodities (i.e. raising, shearing, feeding, caring for, training & management of livestock, bees, poultry, and fur-bearing animals & wildlife)
- Managing, improving or maintaining the farm, its tools or equipment
- Handling, planting, drying, packing, packaging, processing, grading, storing or delivering to storage or market (if the farm or CO-OP produces over half of the commodity for which the services are performed)

THE TERM “FARM”



- Includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards
- ***Unemployment coverage only applies to farms that meet liability thresholds***

Agricultural Employer Liability

When does an agricultural
employer become liable
under the Maine
Unemployment Insurance
Program?



Agricultural Liability Criteria (for Unemployment Coverage only)



The *agricultural* employer *either*:

- paid \$20,000 or more in wages during a calendar quarter to workers engaged in agricultural services in the current or preceding calendar year,

OR

- Employed at least 10 workers performing agricultural services for some portion of a day in each of 20 different weeks in the current or preceding year. (work does not have to be full time, weeks do not have to be consecutive, nor do workers have to be employed at the same time)

Agricultural Employer Liability



- Only **one** of the liability thresholds must be met for the employer to be required to register as an employer with the Bureau of Unemployment Compensation and pay unemployment taxes on a portion of the wages paid to their employees.
- If liable, the employer will pay unemployment taxes **only** on the first \$12,000 in wages paid to each employee for the calendar year. Individual employee wages that exceed \$12,000 annually are not taxable.



Are H2A Workers Covered?

NO. H2A workers were exempted from unemployment benefit coverage under Public Law 637 in 2010.





Seasonality

- Under Maine law, a business can be considered 'seasonal' if it customarily operates only during a regularly recurring period of <26 weeks annually.
- Maine law specifies certain industries as seasonal and businesses in these are automatically designated as seasonal if the business operates <26 weeks annually.
- If a business is not in a designated seasonal industry and wants to be considered seasonal, the Unemployment Insurance Commission must make this determination.



Seasonality

- The Commission can investigate & decide an industry should be seasonal on its own, or in response to a petition by at least 5 employers of an industry requesting a seasonal designation.
- Employees hired by a 'seasonal' business, are only eligible to collect UI benefits *based on their seasonal work* if laid off during their "season."
- Any benefits paid out during the seasonal period are chargeable against the seasonal business' rate experience.

Determining Employment Status

Employee v. Independent Contractor

Step 1: Is the individual free from direction or control of the employer or employing unit?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 2.

Step 2: Does the individual have the essential right to control the means and progress of the work except as to final results?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 3.

Step 3: Is the individual customarily engaged in an independently established trade, occupation, profession, or business?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 4.

Step 4: Does the individual have the opportunity for profit and loss as a result of the services being performed for the other individual/entity?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 5.

Step 5: Does the individual hire and pay his or her assistants (if any) and to the extent that these assistants are employees, supervise the details of their work?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 6.

Step 6: Does the individual make their services available to some client or customer community even if their right to do so is voluntarily not exercised or is temporarily restricted?

No – Stop. Individual is an *employee*, not an independent contractor.

Yes – move on to Step 7.

Step 7: Determine if the individual meets any 3 of the following elements:

- *The individual has a substantive investment in the facilities, tools, instruments, materials, & knowledge used by the individual to complete the work.*
- *The individual is not required to work exclusively for the other individual/entity.*
- *The individual is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work.*
- *The parties have a contract that defines the relationship and contractual rights in the event the contract is terminated by the other individual/entity prior to completion of the work.*
- *Payment to the individual is based on factors directly related to the work performed and not solely on the amount of time expended by the individual.*
- *Such work is outside the usual course of the business for which the service is performed.*
- *The individual has an IRS determination (SS-8) of independent contractor status.*

No, meets <3 elements – Stop. Individual is an *employee*, not an independent contractor.

Yes, meets ≥3 elements - The Individual *is* an Independent Contractor.

Thank You

For more information about a specific agricultural farm, employer liability, or employment situation, please call our Unemployment Tax Division at:

(207) 621-5120



Agricultural Worker Minimum Wage Committee

Meeting 1 Data Requests

Information compiled and provided by Maine Department of Labor

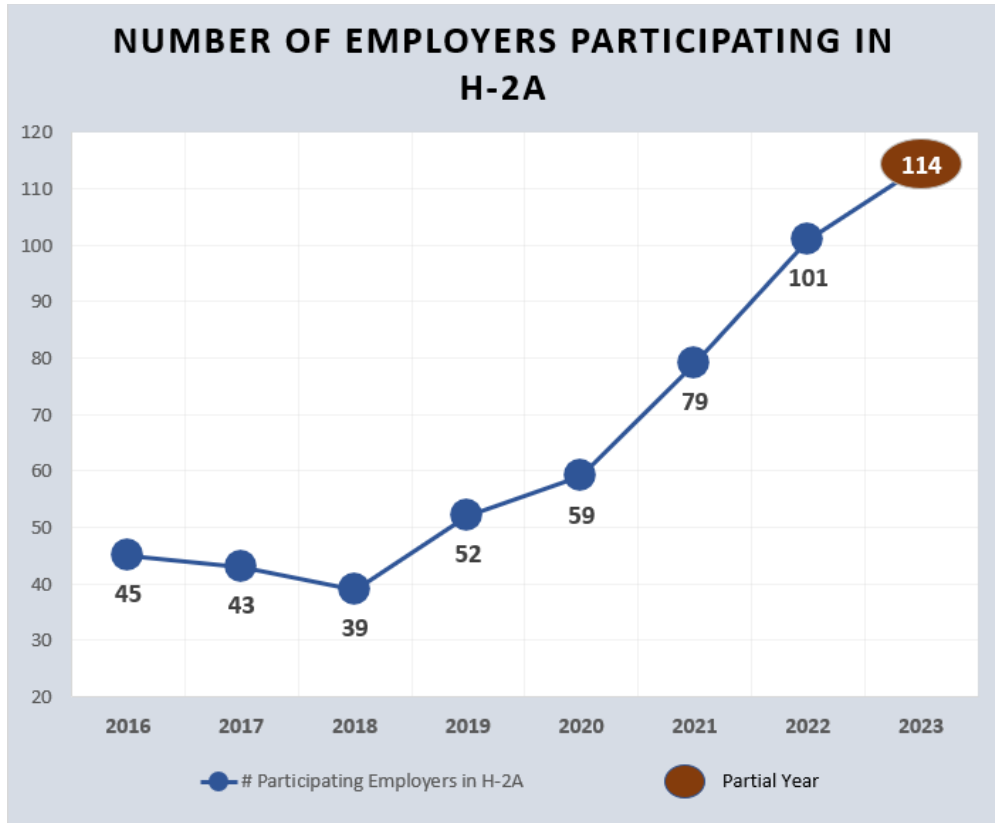
The chart below, by crop, is an approximate number due to the nature of data collected from employers. This information was gathered to fulfill data requests from meeting 1 of the Agricultural Worker Minimum Wage Committee meeting, held September 5th, 2023. Those requests are:

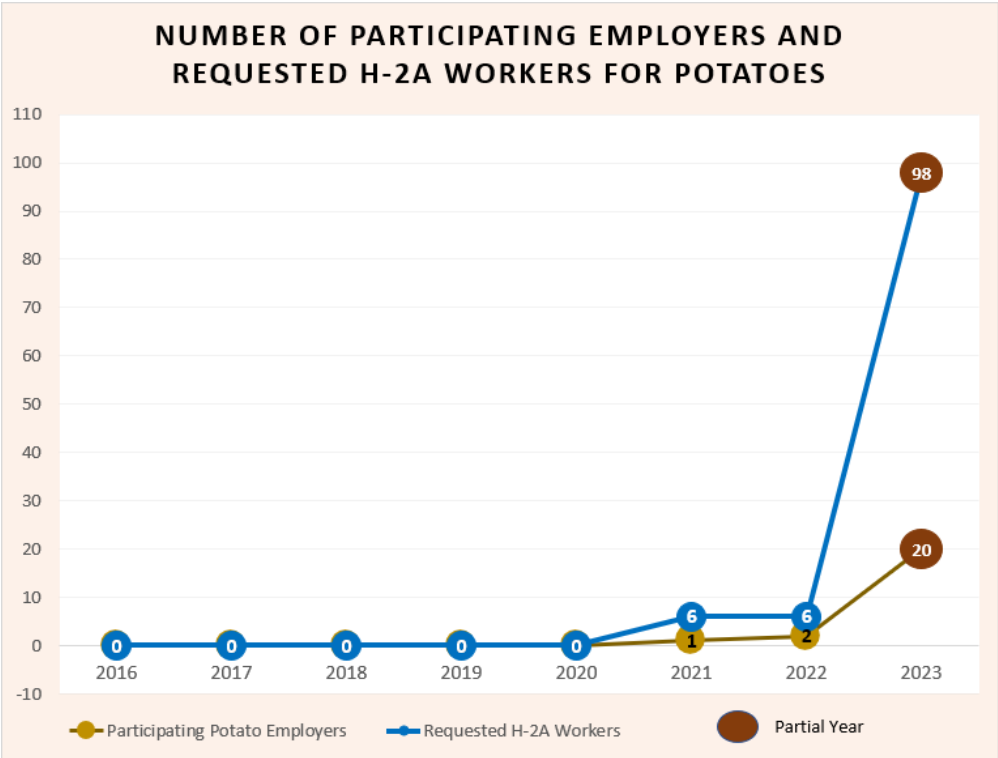
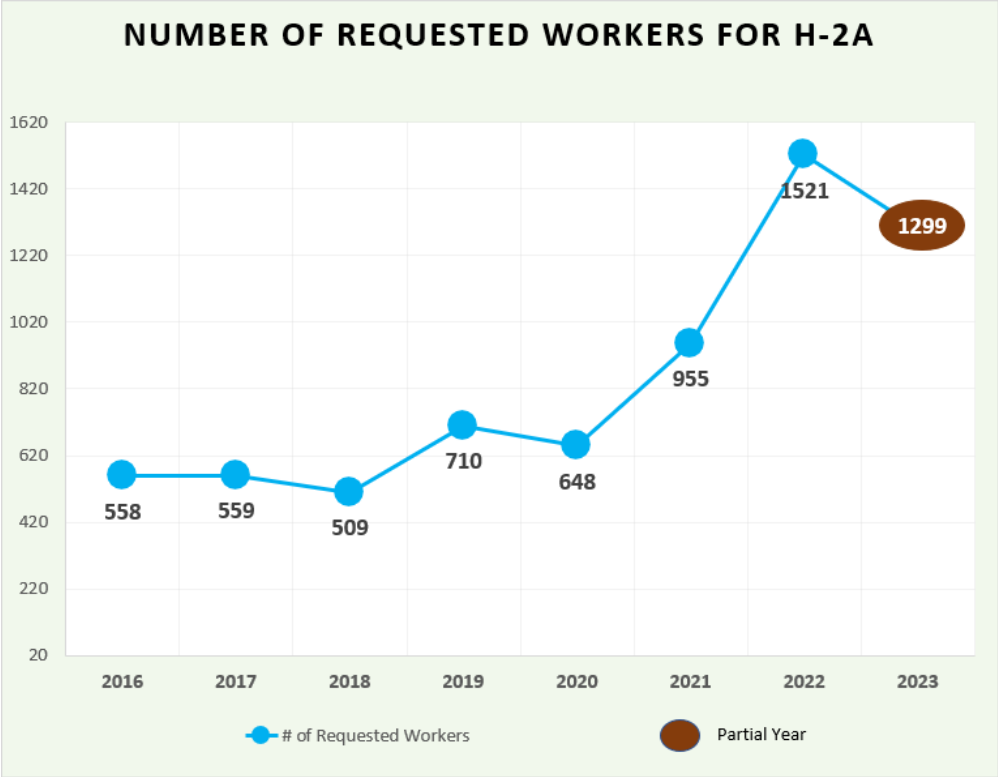
- A numeric breakdown, across categories of workers (i.e. H-2A, Migrant & Seasonal, Etc.)
- A breakdown of data provided by MDOL that shows how many Agricultural Workers are loggers

Some employers are more specific in completing the application and listing every crop versus a general heading of ‘fruits and vegetables.’ Also note that some employers may be captured under 2 or more headings because of the diverse nature of crops they produce, so this is not a count of total employers or workers.

SPECIFIC CROP	PARTICIPATING EMPLOYERS	REQUESTED WORKERS	Employers (Single Crop)	H-2A Workers (Single Crop)
Broccoli	3	376	2	354
Fruit/Veggie	37	343		
Blueberries	6	275	3	209
Apples	12	214	2	8
Logging	11	114	11	114
Potato	20	98	14	86
Hay	2	93	1	6
Sugar Maple	34	85	34	85
Tomato	1	50	1	50
Greenhouse/Nursery	3	15	1	6
Tree Fruit	3	13	2	11
Christmas Tree	3	8		
Tobacco	1	6		
Evergreens	1	4	1	4
Poultry	1	1		
Total Represented Crops	138	1695	72	933

The charts below show the trend of employers participating in H2-A, and requests for workers, from 2016 to current. Please note: the number of workers requested does not equal number of workers employers *receive* to work. This is data that MDOL is not provided. The data comparison for 2016 through 2023 only represents 2023 as a partial year.





2017 | CENSUS *OF* AGRICULTURE

Maine

State and County Data

Volume 1 • Geographic Area Series • Part 19

AC-17-A-19

Issued April 2019

United States Department of Agriculture
Sonny Perdue, Secretary
National Agricultural Statistics Service
Hubert Hamer, Administrator

Table 72. Summary by Market Value of Agricultural Products Sold: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	All farms	\$1,000,000 or more	\$500,000 to \$999,999	\$250,000 to \$499,999	\$100,000 to \$249,999	\$50,000 to \$99,999
HIRED FARM LABOR						
Hired farm laborfarms	2,230	133	102	158	232	192
Workers by days worked:	13,440	4,037	1,128	1,327	1,526	1,224
150 days or morefarms	1,091	128	97	134	172	104
Workers	4,126	1,573	440	517	438	229
Less than 150 daysfarms	1,827	107	71	122	183	159
Workers	9,314	2,464	688	810	1,088	995
Migrant farm labor on farms with hired laborfarms	81	25	8	15	12	13
Migrant farm labor on farms reporting only						
contract laborfarms	27	-	-	-	1	2
Unpaid workersfarms	4,090	30	26	61	122	178
Workers	9,807	64	35	137	308	423
FARMS BY SIZE						
1 to 9 acres	1,427	2	3	7	20	14
10 to 49 acres	2,157	7	3	13	46	60
50 to 69 acres	579	3	3	4	16	24
70 to 99 acres	651	2	3	7	13	22
100 to 139 acres	744	2	2	13	38	45
140 to 179 acres	436	2	-	4	27	23
180 to 219 acres	331	1	4	6	16	27
220 to 259 acres	184	3	2	9	9	17
260 to 499 acres	593	10	25	47	49	62
500 to 999 acres	313	19	34	44	45	32
1,000 to 1,999 acres	115	44	22	9	5	6
2,000 acres or more	70	39	4	7	6	2
FARMS BY NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)						
Oilseed and grain farming (1111)	45	2	2	-	5	3
Vegetable and melon farming (1112)	933	67	35	41	56	67
Fruit and tree nut farming (1113)	841	7	2	11	39	77
Greenhouse, nursery, and floriculture production (1114)	1,780	7	13	14	42	44
Other crop farming (1119)	1,964	1	13	25	39	67
Tobacco farming (11191)	-	-	-	-	-	-
Cotton farming (11192)	-	-	-	-	-	-
Sugarcane farming, hay farming, and all other crop farming (11193, 11194, 11199)	1,964	1	13	25	39	67
Beef cattle ranching and farming (11211)	795	-	-	3	7	11
Cattle feedlots (11212)	3	1	-	-	2	-
Dairy cattle and milk production (11212)	286	37	37	66	74	30
Hog and pig farming (1122)	141	-	-	-	1	2
Poultry and egg production (1123)	177	3	-	2	2	-
Sheep and goat farming (1124)	445	1	-	-	-	3
Aquaculture and other animal production (1125, 1129) (see text)	1,190	8	3	8	23	30
OTHER FARM CHARACTERISTICS						
Farms reporting-						
Internet access	6,350	121	96	148	242	261
Dial-up	184	1	1	9	6	4
DSL	1,898	49	34	45	85	72
Cable modem	2,755	50	46	51	89	123
Fiber-optic	251	13	5	6	14	9
Mobile internet service for a cell phone or other device (see text)	1,972	67	46	60	89	97
Satellite	438	9	6	25	14	16
Don't know (see text)	340	4	9	7	23	8
Other internet service	123	5	1	7	5	7
Farms by number of households sharing in net income of operation:						
1 household	6,673	74	76	129	229	275
2 households	718	39	20	24	44	42
3 households	133	13	4	14	15	9
4 households	42	2	1	-	1	6
5 or more households	34	6	4	3	1	2
LIVESTOCK						
Cattle and calves inventoryfarms	1,756	42	41	70	106	94
number	79,416	34,369	9,607	8,459	7,291	3,934
Farms with-						
1 to 9	908	-	-	-	5	12
10 to 49	584	3	2	4	39	55
50 to 99	104	-	1	20	37	19
100 to 199	87	1	15	38	23	7
200 to 499	46	14	21	8	2	1
500 or more	27	24	2	-	-	-
Cows and heifers that calvedfarms	1,461	40	40	67	100	86
number	40,866	17,319	4,965	4,494	3,906	1,868
Beef cowsfarms	1,141	6	7	15	42	54
number	10,423	128	274	181	914	1,162
Farms with-						
1 to 9	826	1	3	7	18	20
10 to 49	292	5	2	7	20	28
50 to 99	17	-	-	1	2	5
100 to 199	4	-	2	1	1	1
200 to 499	1	-	-	-	1	-
500 or more	1	-	-	-	-	-
Milk cowsfarms	450	37	37	64	77	41
number	30,443	17,191	4,691	4,313	2,992	706
Farms with-						
1 to 9	195	-	-	-	3	11

See footnote(s) at end of table.

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Table 72. Summary by Market Value of Agricultural Products Sold: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	\$25,000 to \$49,999	\$10,000 to \$24,999	\$5,000 to \$9,999	\$2,500 to \$4,999	\$1,000 to \$2,499	Less than \$1,000
HIRED FARM LABOR						
Hired farm labor farms	245	309	271	159	136	293
workers	937	928	743	436	337	817
Workers by days worked:						
150 days or more farms	82	73	64	37	43	157
workers	160	113	121	95	89	351
Less than 150 days farms	216	279	232	144	117	197
workers	777	815	622	341	248	466
Migrant farm labor on farms with hired labor farms	3	2	-	-	3	-
Migrant farm labor on farms reporting only contract labor farms	2	9	1	2	8	2
Unpaid workers farms	256	539	631	521	600	1,126
workers	584	1,367	1,709	1,309	1,414	2,457
FARMS BY SIZE						
1 to 9 acres	69	159	217	170	286	480
10 to 49 acres	83	218	293	341	363	730
50 to 69 acres	29	75	118	91	79	137
70 to 99 acres	30	102	100	91	96	185
100 to 139 acres	60	85	92	93	107	207
140 to 179 acres	56	70	76	42	36	100
180 to 219 acres	31	56	47	43	27	73
220 to 259 acres	22	37	26	15	15	29
260 to 499 acres	62	128	67	36	24	83
500 to 999 acres	32	39	15	7	5	41
1,000 to 1,999 acres	5	2	5	3	2	12
2,000 acres or more	-	5	2	-	3	2
FARMS BY NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)						
Oilseed and grain farming (1111)	7	8	7	7	4	-
Vegetable and melon farming (1112)	85	146	142	85	87	122
Fruit and tree nut farming (1113)	117	145	150	97	76	120
Greenhouse, nursery, and floriculture production (1114)	55	137	141	118	117	92
Other crop farming (1119)	123	289	294	285	293	535
Tobacco farming (11191)	-	-	-	-	-	-
Cotton farming (11192)	-	-	-	-	-	-
Sugarcane farming, hay farming, and all other crop farming (11193, 11194, 11199)	123	289	294	285	293	535
Beef cattle ranching and farming (11211)	25	92	119	153	126	259
Cattle feedlots (11212)	-	-	-	-	-	-
Dairy cattle and milk production (11212)	16	-	5	-	-	21
Hog and pig farming (1122)	6	3	25	42	54	8
Poultry and egg production (1123)	5	19	19	22	75	30
Sheep and goat farming (1124)	7	41	35	62	108	188
Aquaculture and other animal production (1125, 1129) (see text)	33	96	121	61	103	704
OTHER FARM CHARACTERISTICS						
Farms reporting-						
Internet access	400	812	896	772	885	1,717
Dial-up	11	32	27	23	22	48
DSL	113	261	297	232	273	437
Cable modem	184	350	378	345	369	770
Fiber-optic	29	24	21	38	35	57
Mobile internet service for a cell phone or other device (see text)	129	238	290	218	250	488
Satellite	16	36	51	50	71	144
Don't know (see text)	15	49	56	28	42	99
Other internet service	4	8	16	4	28	38
Farms by number of households sharing in net income of operation:						
1 household	402	823	942	834	956	1,933
2 households	62	125	88	79	78	117
3 households	12	16	17	9	5	19
4 households	2	8	8	8	2	4
5 or more households	1	4	3	2	2	6
LIVESTOCK						
Cattle and calves inventory farms	126	238	272	267	202	298
number	2,924	3,906	3,734	2,159	1,418	1,615
Farms with-						
1 to 9	31	104	161	186	159	250
10 to 49	83	123	106	79	42	48
50 to 99	10	10	4	2	1	-
100 to 199	2	1	-	-	-	-
200 to 499	-	-	-	-	-	-
500 or more	-	-	1	-	-	-
Cows and heifers that calved farms	109	212	222	215	141	229
number	1,492	2,171	2,077	1,110	597	867
Beef cows farms	99	185	209	197	125	202
number	1,272	2,080	2,001	1,074	559	778
Farms with-						
1 to 9	55	98	162	168	111	183
10 to 49	40	84	45	28	14	19
50 to 99	4	3	1	1	-	-
100 to 199	-	-	-	-	-	-
200 to 499	-	-	-	-	-	-
500 or more	-	-	1	-	-	-
Milk cows farms	20	53	40	24	19	38
number	220	91	76	36	38	89
Farms with-						
1 to 9	9	53	40	24	19	36

See footnote(s) at end of table.

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Table 75. Summary by North American Industry Classification System: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	Total	Oilseed and grain farming (1111)	Vegetable and melon farming (1112)	Fruit and tree nut farming (1113)	Greenhouse, nursery, and floriculture production (1114)	Other crop farming (1119)	
						Total	Tobacco farming (11191)
PRODUCERS' CHARACTERISTICS ³ (SEE TEXT) - Con.							
Years operating any farm (see text): - Con.							
Average years on any farm	21.0	20.8	17.4	22.6	21.2	24.4	-
Age group:							
Under 25 years	185	7	34	11	10	17	-
25 to 34 years	1,068	2	252	77	111	184	-
35 to 44 years	1,780	17	364	132	159	379	-
45 to 54 years	2,277	20	273	234	210	435	-
55 to 64 years	3,857	15	356	454	448	883	-
65 to 74 years	2,977	8	290	445	341	910	-
75 years and over	1,270	7	75	196	99	484	-
Average age	56.5	51.3	50.8	60.3	56.9	59.9	-
Young producers (see text)	1,412	9	330	98	123	228	-
Producers of Hispanic, Latino, or Spanish origin	124	-	12	17	12	36	-
Producers by race:							
American Indian or Alaska Native	39	-	-	8	3	4	-
Asian	33	-	8	1	10	3	-
Black or African American	146	-	122	5	12	2	-
Native Hawaiian or Other Pacific Islander	8	-	-	6	-	2	-
White	13,086	76	1,508	1,499	1,348	3,263	-
More than one race reported	102	-	6	30	5	18	-
Military service (see text):							
Never served	11,883	73	1,541	1,347	1,255	2,864	-
Served	1,531	3	103	202	123	428	-
Number of persons living in producers' households (see text)	25,080	143	3,847	2,706	2,385	5,908	-
On farm involvement in decisionmaking (see text):							
Day-to-day decisions	11,916	69	1,487	1,336	1,219	2,891	-
Land use and/or crop decisions	10,227	54	1,378	1,233	1,095	2,443	-
Livestock decisions	7,312	24	585	365	428	1,570	-
Record keeping and/or financial management	9,747	61	1,273	1,097	1,011	2,340	-
Estate planning or succession planning	6,885	19	812	744	698	1,725	-
FARMS BY TYPE OF ORGANIZATION (SEE TEXT)							
Operation more than 50 percent owned by one producer's household and/or extended family (see text)							
farms	7,333	40	884	808	752	1,909	-
acres	1,108,623	(D)	217,167	125,715	42,958	379,571	-
Limited Liability Company	626	1	113	76	64	128	-
acres	145,523	(D)	60,970	10,663	4,101	26,900	-
LEGAL STATUS FOR TAX PURPOSES							
Family or individual							
farms	6,277	36	713	659	635	1,681	-
acres	784,102	7,180	116,456	94,374	33,483	284,782	-
Partnership	530	2	93	73	38	109	-
acres	127,329	(D)	33,309	10,643	2,277	30,581	-
Registered under State law	367	1	67	41	29	78	-
acres	99,777	(D)	27,752	6,306	1,858	24,146	-
Corporation	621	7	97	90	92	128	-
acres	342,869	(D)	72,171	100,916	9,915	83,543	-
Family held	539	6	76	86	79	123	-
acres	326,822	12,300	69,097	98,078	8,956	82,114	-
More than 10 stockholders	4	-	-	2	-	2	-
10 or less stockholders	535	6	76	84	79	121	-
Other than family held	82	1	21	4	13	5	-
acres	16,047	(D)	3,074	2,838	959	1,429	-
More than 10 stockholders	1	-	1	-	-	-	-
10 or less stockholders	81	1	20	4	13	5	-
Other - estate or trust, prison farm, grazing association, American Indian Reservation, etc.	172	-	30	19	15	46	-
acres	53,313	-	17,360	4,341	920	23,225	-
HIRED FARM LABOR							
Hired farm labor	2,230	22	385	302	258	495	-
workers	13,440	(D)	4,004	2,724	2,048	1,584	-
Workers by days worked:							
150 days or more	1,091	12	251	79	121	197	-
workers	4,126	(D)	1,037	262	843	474	-
Less than 150 days	1,827	16	346	293	228	410	-
workers	9,314	(D)	2,967	2,462	1,205	1,110	-
Migrant farm labor on farms with hired labor	81	-	29	32	3	2	-
Migrant farm labor on farms reporting only contract labor	27	-	-	21	4	2	-
Unpaid workers	4,090	17	506	454	367	1,018	-
workers	9,807	35	1,153	1,076	761	2,501	-

See footnote(s) at end of table.

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Table 7. Hired Farm Labor - Workers and Payroll: 2017

[For meaning of abbreviations and symbols, see introductory text.]

Item	Maine	Androscoggin	Aroostook	Cumberland	Franklin
Hired farm labor farms	2,230	136	266	175	88
workers	13,440	769	3,137	1,059	281
\$1,000 payroll	134,158	7,454	33,165	10,358	1,921
Farms with-					
1 worker farms	574	31	52	36	35
workers	574	31	52	36	35
2 workers farms	477	32	41	25	16
workers	954	64	82	50	32
3 or 4 workers farms	444	39	20	44	14
workers	1,517	129	68	142	48
5 to 9 workers farms	400	20	38	42	20
workers	2,541	128	251	258	134
10 workers or more farms	335	14	115	28	3
workers	7,854	417	2,684	573	32
Workers by days worked:					
150 days or more farms	1,091	69	168	107	36
workers	4,126	217	726	413	98
Farms with-					
1 worker farms	402	28	40	31	13
workers	402	28	40	31	13
2 workers farms	247	13	36	25	2
workers	494	26	72	50	4
3 or 4 workers farms	224	16	39	27	17
workers	768	51	145	91	59
5 to 9 workers farms	141	8	35	13	4
workers	867	50	215	78	22
10 workers or more farms	77	4	18	11	-
workers	1,595	62	254	163	-
Less than 150 days farms	1,827	99	237	134	76
workers	9,314	552	2,411	646	183
Farms with-					
1 worker farms	575	27	56	39	35
workers	575	27	56	39	35
2 workers farms	375	28	28	17	17
workers	750	56	56	34	34
3 or 4 workers farms	364	23	26	35	11
workers	1,226	77	87	107	(D)
5 to 9 workers farms	292	12	38	31	12
workers	1,782	73	238	183	65
10 workers or more farms	221	9	89	12	1
workers	4,981	319	1,974	283	(D)
Reported only workers working					
150 days or more farms	403	37	29	41	12
workers	1,259	124	114	121	31
\$1,000 payroll	27,016	2,959	1,381	2,625	686
Reported only workers working					
less than 150 days farms	1,139	67	98	68	52
workers	3,698	273	410	253	109
\$1,000 payroll	8,855	831	686	866	267
Reported both - workers working					
150 days or more and workers					
working less than 150 days farms	688	32	139	66	24
150 days or more, workers	2,867	93	612	292	67
less than 150 days, workers	5,616	279	2,001	393	74
\$1,000 payroll	98,287	3,664	31,098	6,867	968
Total migrant workers farms	108	7	6	7	1
workers	2,191	69	578	34	(D)
Migrant farm labor on farms with hired labor farms	81	7	6	7	1
workers	1,786	69	578	34	(D)
Migrant farm labor on farms reporting only					
contract labor farms	27	-	-	-	-
workers	405	-	-	-	-
Unpaid workers farms	4,090	319	350	422	183
workers	9,807	586	987	959	558

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Table 7. Hired Farm Labor - Workers and Payroll: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	Hancock	Kennebec	Knox	Lincoln	Oxford	Penobscot
Hired farm laborfarms	137	177	110	87	114	169
workers	1,097	775	433	429	522	1,028
\$1,000 payroll	8,382	8,865	1,985	3,896	5,679	10,140
Farms with-						
1 workerfarms	34	67	22	23	43	40
workers	34	67	22	23	43	40
2 workersfarms	18	31	46	18	16	31
workers	36	62	92	36	32	62
3 or 4 workersfarms	44	38	19	13	25	29
workers	151	128	62	49	84	97
5 to 9 workersfarms	28	25	12	24	23	39
workers	182	162	86	145	137	242
10 workers or morefarms	13	16	11	9	7	30
workers	694	356	171	176	226	587
Workers by days worked:						
150 days or morefarms	44	81	45	46	45	71
workers	247	292	111	183	192	283
Farms with-						
1 workerfarms	14	44	20	8	22	18
workers	14	44	20	8	22	18
2 workersfarms	8	16	14	21	7	19
workers	16	32	28	42	14	38
3 or 4 workersfarms	10	10	8	8	4	16
workers	34	34	26	27	12	58
5 to 9 workersfarms	6	5	1	5	8	13
workers	42	35	(D)	32	44	84
10 workers or morefarms	6	6	2	4	4	5
workers	141	147	(D)	74	100	85
Less than 150 daysfarms	123	144	91	67	90	142
workers	850	483	322	246	330	745
Farms with-						
1 workerfarms	36	58	30	25	40	37
workers	36	58	30	25	40	37
2 workersfarms	19	24	29	7	14	27
workers	38	48	58	14	28	54
3 or 4 workersfarms	38	36	14	12	17	34
workers	127	122	45	(D)	60	116
5 to 9 workersfarms	20	17	9	21	15	30
workers	116	104	65	119	91	199
10 workers or morefarms	10	9	9	2	4	14
workers	533	151	124	(D)	111	339
Reported only workers working						
150 days or morefarms	14	33	19	20	24	27
workers	44	100	44	53	63	100
\$1,000 payroll	637	2,885	178	295	1,504	3,630
Reported only workers working						
less than 150 daysfarms	93	96	65	41	69	98
workers	315	216	227	111	205	304
\$1,000 payroll	672	494	525	138	305	770
Reported both - workers working						
150 days or more and workers						
working less than 150 daysfarms	30	48	26	26	21	44
150 days or more, workers	203	192	67	130	129	183
less than 150 days, workers	535	267	95	135	125	441
\$1,000 payroll	7,073	5,486	1,282	3,464	3,870	5,741
Total migrant workersfarms	17	6	13	7	4	5
workers	441	27	152	33	60	14
Migrant farm labor on farms with hired laborfarms	6	6	7	3	4	5
workers	263	27	80	7	60	14
Migrant farm labor on farms reporting only						
contract laborfarms	11	-	6	4	-	-
workers	178	-	72	26	-	-
Unpaid workersfarms	215	347	147	182	290	306
workers	586	863	351	414	729	696

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Table 7. Hired Farm Labor - Workers and Payroll: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	Piscataquis	Sagadahoc	Somerset	Waldo	Washington	York
Hired farm labor farms	58	66	170	167	96	214
workers	274	251	992	640	658	1,095
\$1,000 payroll	1,337	2,421	17,362	4,397	9,407	7,388
Farms with-						
1 worker farms	13	15	33	56	31	43
workers	13	15	33	56	31	43
2 workers farms	15	18	57	41	16	56
workers	30	36	114	82	32	112
3 or 4 workers farms	15	11	36	34	20	43
workers	52	37	128	123	68	151
5 to 9 workers farms	7	19	25	22	15	41
workers	43	110	172	135	101	255
10 workers or more farms	8	3	19	14	14	31
workers	136	53	545	244	426	534
Workers by days worked:						
150 days or more farms	30	36	100	71	25	117
workers	54	95	514	209	163	329
Farms with-						
1 worker farms	20	19	32	30	10	53
workers	20	19	32	30	10	53
2 workers farms	6	4	23	18	6	29
workers	12	8	46	36	12	58
3 or 4 workers farms	3	7	28	15	2	14
workers	(D)	(D)	94	51	(D)	48
5 to 9 workers farms	-	4	13	4	6	16
workers	-	(D)	83	21	35	95
10 workers or more farms	1	2	4	4	1	5
workers	(D)	(D)	259	71	(D)	75
Less than 150 days farms	49	60	135	131	83	166
workers	220	156	478	431	495	766
Farms with-						
1 worker farms	17	21	47	48	25	34
workers	17	21	47	48	25	34
2 workers farms	9	18	47	31	16	44
workers	18	36	94	62	32	88
3 or 4 workers farms	12	13	8	29	19	37
workers	42	45	26	104	64	126
5 to 9 workers farms	6	8	22	13	10	28
workers	44	54	130	72	65	164
10 workers or more farms	5	-	11	10	13	23
workers	99	-	181	145	309	354
Reported only workers working						
150 days or more farms	9	6	35	36	13	48
workers	23	8	110	84	124	116
\$1,000 payroll	(D)	39	1,986	1,249	(D)	1,061
Reported only workers working						
less than 150 days farms	28	30	70	96	71	97
workers	147	80	162	308	244	334
\$1,000 payroll	(D)	80	942	549	(D)	951
Reported both - workers working						
150 days or more and workers						
working less than 150 days farms	21	30	65	35	12	69
150 days or more, workers	31	87	404	125	39	213
less than 150 days, workers	73	76	316	123	251	432
\$1,000 payroll	916	2,301	14,433	2,599	3,149	5,376
Total migrant workers farms	-	3	3	4	16	9
workers	-	(D)	14	16	701	37
Migrant farm labor on farms with hired labor farms	-	3	3	4	10	9
workers	-	(D)	14	16	572	37
Migrant farm labor on farms reporting only						
contract labor farms	-	-	-	-	6	-
workers	-	-	-	-	129	-
Unpaid workers farms	100	126	206	316	199	382
workers	255	328	462	729	415	889