



# Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

## Comment to the Agricultural Minimum Wage Committee

December 11, 2023

Members of the Agricultural Worker Minimum Wage Committee -

My name is Rae Sage, and I am submitting this testimony as a person who interacts with Maine's food systems from many angles. I will be sharing my personal testimony as a farm worker who has been in Maine's agricultural community for the last three years including work as MOFGA's BIPOC Affinity Space Coordinator, helping black and brown community members find support. I will also be speaking as the Policy Coordinator for the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. The Permanent Commission's role is to examine racial disparities across all systems and advise Maine State Government on ways to improve the status and outcomes of historically disadvantaged racial, Indigenous, and tribal populations.

### **My Personal Experience**

In attending these committee meetings, I have noted the lack of voice directly from farm workers. I have no doubt that farm workers avoid sharing their opinions for fear of negative consequences. I have been in that position before and know what it is to feel silenced by your circumstances and powerless to demand change.

My first experience working on a farm was through MOFGA's apprenticeship program in the spring of 2020. This was my first job after 6 years in the Air Force and a move towards a lifestyle I'd dreamt about for some time. To avoid spending most of my savings on first, last, and security I sought out a farm that included housing. On paper I was paid \$12/hr but my employer also charged \$600 for a security deposit and deducted 10 hours a week in pay for said housing. In the end, my wage was about \$9 an hour.

From the start, this role was filled with tension as my employer insisted on having polarizing political conversations that left many of the workers feeling deeply uncomfortable and cornered. Amid the pandemic, ongoing local protests for racial justice, and trying to build a new life for myself, I also had to navigate the constant pressure of invasive conversation with the person controlling both my income and my housing. On one occasion my employer asked, "What have you

been through as a Black woman, that I haven't as a white woman?" in rejection of the idea that we had different lived experiences. At no point should I, as a farmworker, have been responsible for the emotions of my employer and yet, many times she came to me in tears looking for reassurance that the ideas she had espoused were not racist.

The farm crew began talking more openly about the violations that we were experiencing. The house we lived in was dirty, our water supply was contaminated, the wages weren't enough when compared to the work we were asked to do, and there were several instances where one of the employers screamed and threw large objects in a fit of rage. Eager to find new employment, I left for another farm. When I left, the employer kept most of my security deposit, claiming that I was responsible for dirty common areas and items that were broken before I moved in. After talking with my former roommates, two white men, I realized neither of them were charged for damages against their security deposit - one wasn't charged a deposit at all.

Stories like this are not uncommon in Maine's farming community. Farm employers hold an immense amount of power over their workers' lives, especially when they control their housing and income. By underpaying farmworkers, we limit their options and keep them in an unproductive cycle of harm. We also push away a whole generation of farmers who would stay in the industry if it offered a sustainable lifestyle. The power dynamic between farm owners and farmworkers leaves too much space for abuse when left unregulated. This can be especially detrimental to the sensitive populations I center in my work with the Permanent Commission.

### **The Permanent Commission's Position**

The Permanent Commission is firmly in favor of the state minimum wage for agricultural workers. The most appropriate way to achieve this is by removing the Subchapter 3 exemption. This approach also requires employees be given the opportunity to take rest breaks, limits compulsory overtime, and allows the Department of Labor to enforce standards.

It is necessary to be explicit about how and why this current exemption exists in the first place- the historic exclusion of agricultural workers from labor protections is a legacy of slavery that unfortunately continues to this day. After the legal abolition of slavery, the agriculture industry used tools such as tenant farming and sharecropping with oppressive contracts to extract as much labor as possible.<sup>1</sup> When the Fair Labor Standards Act of 1938 (FLSA) was passed, the exclusion of farmworkers from labor protections was a "race neutral" method of

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<sup>1</sup> United States Department of Agriculture. (2003). Black Farmers in America, 1865-2000: The Pursuit of Independent Farming and the Role of Cooperatives. <https://www.rd.usda.gov/files/RR194.pdf>

maintaining significant racial disparities, as agricultural workers were disproportionately Black.<sup>2</sup> The role of race was so explicit that during the floor debates over the FLSA, some representatives expressed deep concern over the possibility that it would equalize wages between African American and white laborers.<sup>3</sup> When Maine passed its first comprehensive state minimum wage law in 1959, lawmakers followed national trends and exempted occupations where people of color were more likely to work.<sup>4</sup>

Although the racial composition of farmworkers nationally has shifted to largely Hispanic populations,<sup>5</sup> the effect of exclusion from basic labor protections is the same. This policy approach continues to have a negative impact on the health and wellbeing of the racial, Indigenous, and tribal populations that live and work in Maine. Mainers of color are more likely than white Mainers to hold jobs with fewer protections.<sup>6</sup> Addressing the lack of rights in fields commonly populated by historically disadvantaged groups is essential to creating new opportunities for these communities.

Some have suggested that enshrining a minimum wage for agricultural workers in law is unnecessary because farmers often pay minimum wage or higher. The 2021 Maine Farm Worker Compensation Survey noted farm worker wages as low as \$8/hour for “entry level” and \$9/hour for “experienced” individuals as reported by the farmers themselves.<sup>7</sup> Even one farm paying its employees below the state minimum wage is harmful for both employees and farmers. Farm owners who do right by their workers and pay livable wages should not have to compete with those who don’t.

According to a 2015 study on agricultural exceptionalism at the state level, Maine and Minnesota were the two states with the greatest number of explicit exceptions to labor standards for agricultural workers. The inclusion of exemptions for piece-rate and/or a youth rate would continue this trend and perpetuate wage disparities. As I navigate my many perspectives, several common truths become clear. Everyone deserves access to safe, healthy, diverse

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<sup>2</sup> Rodman, S. O., Barry, C. L., Clayton, M. L., Frattaroli, S. Neff, R. A., & Rutkow, L. (2016). Agricultural exceptionalism at the state level: Characterization of wage and hour laws for U.S. farmworkers. *Journal of Agriculture, Food Systems, and Community Development*, 6(2), 89-110.  
<http://dx.doi.org/10.5304/jafscd.2016.062.013>

<sup>3</sup> Farhang, S., & Katznelson, I. (2005). The southern imposition: Congress and labor in the New Deal and Fair Deal. *Studies in American Political Development*, 19(1), 1-30.  
<http://dx.doi.org/10.1017/S0898588X05000015>

<sup>4</sup> Maine Center for Economic Policy (2020). *State of Working Maine: 2020*.  
<https://www.mecep.org/wp-content/uploads/2020/11/State-of-Working-Maine-2020.pdf>

<sup>5</sup> US Department of Agriculture. (2021). *Demographic Characteristics of Hired Farmworkers*.  
<https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic>

<sup>6</sup> Myall, James. *The State of Working Maine 2020*. Maine Center for Economic Policy.  
<https://www.mecep.org/maines-economy/report-state-of-working-maine-2020/>.

<sup>7</sup> <https://extension.umaine.edu/maine-farmer-resource-network/2021-maine-farm-worker-compensation-survey/>

food; everyone has the right to better understand production and where that food comes from; and the people whose hard work puts food on our tables deserve fair pay and fair working conditions. This committee has the opportunity to acknowledge these truths and take the necessary steps towards a more sustainable future for all of Maine's farmworkers. Thank you.