



Janet T. Mills  
GOVERNOR

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AUGUSTA, MAINE  
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April 23, 2024

The 131st 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. 2273, *An Act to Establish a State Minimum Hourly Wage for Agricultural Workers*.

I am deeply disappointed that I have to take this step but believe the Legislature's changes to the bill leave me no choice.

Last year, the Legislature enacted L.D. 398, legislation that would have applied certain wage requirements to agricultural workers. That bill was substantially amended during the final hours of the legislative session, giving rise to justifiable confusion among farmers about its scope and impact. Despite my strong support for a farmworker minimum wage, I vetoed the bill and issued an Executive Order convening a committee with representation from a broad spectrum of stakeholders, pledging to introduce new legislation that was developed through a clear process in order to implement a minimum wage.

That Committee met multiple times over a period of four months, and determined that, in fact, nearly all farms in Maine already pay their workers at least the state minimum wage, but it also produced a series of recommendations that ultimately contributed to L.D. 2273, which I introduced earlier this year.

As introduced, L.D. 2273 was simple and straightforward. It established for the first time in Maine a state minimum hourly wage for agricultural workers in a form that is easy to understand and implement. It did so separately from other minimum wage provisions, ensuring that the Legislature recognizes and considers the unique nature of the farm sector in Maine when contemplating future statutory changes.

While the legislation did not entirely achieve everyone's aims, it took into account a diverse set of perspectives and appropriately balanced the need to establish a minimum wage for farm workers with the unique and diverse challenges of running a farm in Maine. It even garnered the support of farming organizations that opposed last year's bill. If the Legislature had sent me the bill I



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introduced, I would have been pleased to sign it into law, but unfortunately, that is not what happened.

Instead, during the legislative process, the Labor and Housing Committee amended the bill to allow for privately initiated litigation over alleged violations. In other words, if someone believed their employer was violating labor law, they could obtain a private lawyer and sue their employer, in this case a farm owner.

I believe, and agree it is important, that workers should have the right to pursue recourse for alleged labor violations. That is why my bill, as originally drafted, entrusted that enforcement responsibility to the Maine Department of Labor, an approach that rightly provides individuals who allege labor violations with the ability to ask the Department to investigate and then take action where appropriate.

Lawmakers took issue with this in two primary ways, arguing: 1) that authorizing private litigation was never raised as an issue in the months-long stakeholder process, and 2) that workers in all other sectors of the economy can pursue a private right of action and, thus, the bill as originally drafted created an unfair distinction.

First, I believe it is incorrect to conclude that a private right of action is not an issue for a farmer simply because it was not raised during the committee meetings. In fact, one can also reach the opposite conclusion – that it was never raised because farmers never believed it would become an issue – which is what I believe happened. This is buttressed by the fact that the Maine Potato Board withdrew its support when faced with this proposed change.

Second, the latter criticism does not reflect the fact that farms are already considered a unique sector of the economy because of the very different challenges they face that other employers do not, like short and ever-changing growing and harvest seasons, and other unpredictable variables like severe weather that can make or break a season and the viability of a farm. These challenges often require demands of workers that are not similar to those in other industries. As a result, it is appropriate for us to consider how we best uphold workers' rights while also considering the unique challenges facing farms.

Knowing that my original bill provided an adequate enforcement remedy, I did not – and still do not – believe it is appropriate to authorize a private right of action carte blanche, particularly in the case of farms, because I am deeply concerned that doing so would result in litigation that would simply sap farmers of financial resources and cause them to fail.

That prospect is unacceptable at a time when there are fewer farms in Maine than at any period in the past 25 years. In fact, according to a recent Federal survey, Maine has lost more than 1,100 farms since 2012, including 564 farms accounting for 82,567 acres of farmland since 2017. Further, the agricultural sector in Maine bears no resemblance to what exists in many other states where corporate factory-farms dominate the industry. Here in Maine, 96 percent of farms are family-owned, 9 percent have sales greater than \$100,000 annually, and as recently as 2017, the average net income per farm was just \$16,958. These are our friends and our neighbors. And I



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should add that only two other states in New England – Connecticut and Massachusetts – have instituted state minimum wages for farmworkers.

My office informed the Labor and Housing Committee of my concerns and offered compromise language that would allow employees to seek a right-to-sue letter from the Department of Labor . Unfortunately, that offer was not accepted, and the bill was amended by the Committee against my objections and then enacted into law.

I do not take the decision to veto this bill lightly. I do not want to veto this bill. But the Legislature's actions leave me little choice. I do not believe Maine farmers should face the prospect of privately initiated lawsuits, which would almost certainly lead to losing more farms in the long run.

While I am pleased to know – as the stakeholder committee confirmed – that nearly all farmworkers in Maine are paid at least the state minimum wage, I remain strongly supportive of establishing a clean state minimum wage for agricultural workers, as I proposed in my original bill.

For now, I have to return L.D. 2273 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills  
Governor



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