

## Farmworker Rights — An Explainer

### Who are Maine's farmworkers?

The people who milk our cows, rake our blueberries, harvest our potatoes, and do the hard work to power Maine's agricultural sector come from diverse backgrounds, and are [disproportionately](#) Black, Latino, and Indigenous. According to the USDA's [2022 Census of Agriculture](#), some of these workers are full-time Maine residents, others are migrant workers, and around 1,300 are working in Maine on H-2A visas for temporary agricultural workers. While our state has more than 7,000 farms — many of them small, family-owned operations — roughly 300 farms that employ at least 10 workers account for more than half (58%) of the jobs held by Maine's roughly 11,000 farmworkers. 73% of Maine's small family farms do not hire any farmworkers.

### What labor rights are farmworkers denied?

Under current Maine law, farmworkers are denied many basic rights most workers take for granted. These include the right to:

- Be paid no less than the state minimum wage
- Receive a pay stub
- Take unpaid rest breaks
- Receive protection from excessive mandatory overtime hours
- Receive overtime pay
- Organize and collectively bargain with their employers
- Engage in concerted activity with coworkers to improve their working conditions

Farmworkers across the US have been excluded from fundamental labor laws for as long as those laws have existed. New Deal legislation passed in the 1930s, including the Fair Labor Standards Act (FLSA), which mandates minimum wage and overtime pay, and the National Labor Relations Act (NLRA), which established federal labor law, excluded agricultural and domestic workers. These exclusions were enshrined in law as a way to secure the necessary votes from Southern Democrats at a time when [more than half](#) of Black workers were employed in those sectors, a legacy of slavery.

Since then, the Fair Labor Standards Act was amended to require farmworkers be paid at least the *federal* minimum wage. For many workers, that federal rate of \$7.25 per hour is well below their state's minimum wage. In 2025, the federal minimum wage will be less than half of Maine's. Partly as a result of these unequal labor standards, Maine farmworkers are roughly [4.5 times](#) as likely as other workers to live in poverty.

### What can be done about it?

[More than a dozen states](#), including those representing the nation's largest agricultural producers, have taken steps to correct these historic exclusions. For example:

- **California**, which employs the largest number of farmworkers and grows [over a third](#) of US vegetables and nearly three quarters of our fruits and nuts, extends minimum wage, overtime, and collective bargaining protections to farmworkers.
- In **Colorado**, where agriculture is the state's [second largest industry](#), farmworkers are now covered under state laws for minimum wage, overtime pay, rest breaks, and the right to organize and collectively bargain.
- Ranking in the [top ten](#) in production of 30 commodities, **New York** established the Farm Laborers Fair Practices Act in 2019, providing labor protections that include minimum wage and overtime, a weekly day of rest, the right to organize, paid family and medical leave, and migrant worker safe housing standards.

Here in Maine, lawmakers, farmworkers, farmers, and advocates have pushed to follow in other states' footsteps. Since 2021, the legislature has passed four bills that cover farmworkers by the state minimum wage, extend collective bargaining rights, and protect them from retaliation for engaging in concerted activity. All four bills were ultimately vetoed by Governor Janet Mills. In her latest veto, Mills [opposed](#) her own minimum wage bill because it allowed farmworkers to defend their minimum wage rights in a court of law, a right afforded to all other workers under state law.

### Did you know...?

- Nationally in 2022, farmworkers earned [40% less](#) than comparable non-agricultural workers.
- Nationally, [70%](#) of investigations at farms by the US Dept of Labor Wage and Hour Division found violations of labor law, including wage theft. But the probability that the department will investigate any farm employer is about 1 in 100.
- Foreign agricultural workers in the US on [H-2A visas](#) enjoy several protections not extended to Maine's farmworkers, including an "adverse effect wage rate" of \$17.80 per hour (\$3.65 higher than Maine's minimum wage and \$10 higher than the federal minimum wage), employer-provided transportation and housing, the right to concerted activity, and protections from being fired without cause.
- [98%](#) of Maine farmworkers surveyed in 2024 by the Maine Department of Labor favored extending Maine's minimum wage protections.
- Maine farmers who participated in minimum wage [listening sessions](#) report that they already pay at or above Maine's minimum wage. Some also provide transportation and housing.
- A Maine worker who is paid less than the state minimum wage or does not receive a pay stub has [no standing](#) under Maine law.

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