



April 3, 2019

**Testimony of Julia Brown, Immigrant Legal Advocacy Project
In Support of LD 1251**

Good morning Senator Bellows, Representative Sylvester, and members of the Labor and Housing Committee. Thank you for the opportunity to testify in support of LD 1251.

My name is Julia Brown. I am the Advocacy and Outreach Attorney at the Immigrant Legal Advocacy Project (ILAP). ILAP is Maine's only statewide nonprofit provider of immigration law and related legal aid to Maine's low-income residents. On behalf of ILAP and our clients, I ask the Committee to support LD 1251, otherwise known as "An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws."

Farmworkers, many of whom are people of color and are in this country on temporary work visas, have been excluded from federal and state labor laws for nearly a century. Farmworkers do not have protections under the National Labor Relations Act (NLRA), many provisions of the Fair Labor Standards Act (FLSA), or state minimum wage laws.

Farmworkers are excluded because southern members of Congress refused to vote for the 1930's New Deal era labor laws unless they barred predominately African American farm laborers and domestic workers from being protected. Gradually, these labor laws have been amended to incorporate farmworkers into some provisions, like the federal minimum wage provision of the FLSA. The discrimination remains, however, in the exclusion of farmworkers from the maximum hours and overtime provision of the FLSA.¹

¹ See Marc Linder, *Farm Workers and the Fair Labor Standards Act: Racial Discrimination in the New Deal*, 65 TEX. L. REV. 1335 at 1336-37 (1987).

Many paid farmworkers in Maine are immigrants.² In fact, many of ILAP's clients are either migrant or year-round farmworkers. As a part of our work, we travel to various farms in northern and central Maine as well as Down East during harvest seasons in order to serve the immigrant migrant and year-round farmworkers in those regions. While these clients can have a variety of immigration statuses, one thing they have in common is working incredibly hard for well over forty hours a week. Because they often are paid so little, they struggle to afford immigration fees (did you know that it costs over \$1,000 to apply for a green card?), to support family members, or to afford transportation to medical or legal appointments.

Immigrant migrant farmworkers are particularly vulnerable to exploitation. Some of ILAP's farmworker clients are worried about their immigration status, speak English as a second language, and are far from family. They are dependent upon their employers for housing, food, and transportation. Migrant farmworkers in Maine are often quite literally hidden away off of the main roads and have become Maine's invisible workforce. Migrant farmworkers travel thousands of miles to come to Maine and help keep its economy alive by raking blueberries, picking apples, packing potatoes, and making wreaths. In fact, when there was a labor shortage last summer, crops literally rotted in the fields.³ Maine needs farmworkers, and providing them with overtime pay is the least Maine can do to protect their basic rights.

Thank you for your time and attention.

² Maine Department of Labor, *Maine Migrant and Seasonal Farm Worker Demographic Survey*, December 2015, https://www.maine.gov/labor/labor_laws/migrantworker/summary.html.

³ Meredith Goad, *Maine's small, midsized farms suffering from labor shortage*, PORTLAND PRESS HERALD, September 2, 2018, available at <https://www.pressherald.com/2018/09/02/maine-growers-hungry-for-workers/>.