



HOUSE OF REPRESENTATIVES

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Senator Talbot Ross, Representative Pluecker, distinguished members of the Committee on Agriculture, Conservation, and Forestry, I'm Steve Foster, Representative for House District 32, serving Charleston, Dexter, Exeter, Garland, Stetson, and a part of Bradford, here to present LD311, "An Act to Improve Efficiency of Meat and Poultry Processing Facilities by Requiring the Designation of State Inspectors as Essential".

On Feb. 23, 2023, I sent the following email to then ACF Committee members and those representing towns where State Inspected processors operate, regarding an issue of availability of Maine State Inspectors, required for certain processing activities. As that email spells out the issue LD311 seeks to remedy, I include it here.

"Distinguished Members of the Committee on Agriculture, Conservation, and Forestry,

Yesterday afternoon I received a call from Mr. Barry Higgins, owner of Maple Lane Farms slaughter and processing facility in Charleston. Mr. Higgins wanted me to be aware that his operations today (Thursday) would need to be greatly modified or curtailed due to the state-wide closure of government offices and the "snow" day for non-essential workers. This includes state inspectors whose daily visits are required for facilities such as Maple Lane Farms to carry out any work falling under the state inspection requirements. As Mr. Higgins explained, these inspector visits are essential for his business and employees (approximately 25) to meet their scheduled throughput and shipments each week. Obviously, these "snow" days have a financial impact to all concerned as well.

It's my understanding that the other state inspected establishments are having the same issue. To what degree may depend on their business type, number of employees, etc. From the State's listing they are:
West Gardiner Beef- West Gardiner
Bubier Meats- Greene
Weston's Meat Cutting- West Gardiner
Hatch's Custom Meat Cutting- Crystal
Colvard and Company Sausage- Southwest Harbor
LP Bisson and Sons- Topsham

It's also my understanding that the 24 USDA listed slaughterhouse or processing facilities do not have this problem as they rely on Federal Inspectors, who apparently do not fall under State "snow" day closures and continue their daily required visits.

I bring this matter to your attention as it is too late for me to address it by submitting a bill. I imagine many committee members are already aware of the issue. After my conversation with Mr. Higgins, it would seem that legislation categorizing our State Inspectors as essential employees would solve the problem. I'm not sure why their visits would be any less critical to these businesses as are those of the Federal Inspectors to the others.

I've copied the legislators representing the businesses that are affected, as they may want to check with them to see if those have the same concerns. With the increase in many costs of doing business for these State Inspected establishments, having an inspector available each planned working day would remove this additional inconvenience and expense."

I received replies from Sen. Vitelli, Sen. Ingwersen, Rep. Hepler, Rep. Jackson, Rep. Shaw, Rep. Hall, Rep. Jauch, Sen. Hickman, Sen. Black, and Mr. Abello from the Governor's office, indicating support for finding a solution either through legislation or labor discussions. As neither came to fruition, I bring before you this emergency bill for your consideration.

I submitted this bill with its emergency preamble as there is the possibility of more State "snow days" during the next several weeks and there's always the possibility of an unscheduled State holiday being declared, as it was on July 3rd, 2023. If the committee is divided on the need for this, I would consider removing it to help its eventual passage.

My original bill request did not include language addressing a need for inspectors on designated State holidays or for work required outside of their normal schedule, or any resultant compensation. I present this bill as I received it from the Revisor's Office for this Committee to consider and address that issue. I do not think it would be normal for a processor to require Inspectors on established State holidays or to work beyond pre-scheduled hours. Others who testify may better address this language.

During the last six years, I've often stood to express my concern that the Legislature should not intervene in the negotiation process when required by bills coming before the House. I do not think changing the designation of these State Inspectors from non-essential to essential is beyond our purview and ask that you pass LD311. Should that action require an adjustment to State Inspectors' compensation, that work should occur at the bargaining table.

I thank you for your time and would try to answer any questions you may have.

Respectfully submitted,
Steve Foster
State Representative