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TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY

IN OPPOSITION TO LD 311

*An Act to Classify Meat and Poultry Products Inspections as Essential Services*

March 6, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, I am Craig Lapine, Director of the Bureau of Agriculture, Food and Rural Resources in the Department of Agriculture, Conservation and Forestry (DACF). Today, I am speaking in opposition to LD 311, "*An Act to Classify Meat and Poultry Products Inspections as Essential Services.*"

DACF is fully committed to supporting robust meat processing infrastructure and an adequate workforce to meet the demands of Maine farmers and food producers. We have, for example, supported the industry with material resources. In the last five years, we have channeled an unprecedented \$40 million in infrastructure investments into food and agriculture businesses in Maine, with \$6.3 million, or about 16%, going to meat and poultry processors.

We have also demonstrated a willingness to respond to the needs of meat processing businesses. We heard the complaint that *sudden, unexpected* closures, such as those associated with extreme weather events, are challenging when that can mean holding and feeding animals for an additional 24-48 hours. Last year, a bill was introduced intended to require meat inspectors to work through weather closures. Without waiting for legislative action, we made an administrative change that accomplished that.

While we addressed the concern regarding sudden, unexpected closures, that responsiveness did not come without costs. Asking inspectors to drive on icy and snowy roads entailed swapping out the inspectors' small, two-wheel-drive State vehicles for four-wheel-drive SUVs. That change cost the Department \$49,000 in the first year alone. There is no appropriation from the State or reimbursement mechanism with our federal partners to recoup that \$49,000, so we have reallocated money from other Department priorities.

LD 311 now aims to make inspection services available on holidays and "bonus" holidays. Unlike snow closures, holidays are never a surprise. A calendar of State holidays is issued to

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establishments a year in advance or more. We concede that “bonus” holidays—when the Governor grants State workers an extra day off—can happen suddenly, but they are exceedingly rare and reasonably predictable. A review of recent years showed that these closures happen once or, at most, twice per year and reliably fall near July 4 and Christmas. Indeed, the program now anticipates such closures and takes them off the schedule of available days so slaughterhouses can plan around them. And if we guess wrong—as the program did for December 26, 2023, when we suspected the Governor might close the state and she did not—the inspection program opens the day back up as soon as that becomes clear. If staff were compelled to work on holidays and bonus holidays, they would receive comp time and other premiums, meaning they would request another day off in their place. Compelling staff to work on these relatively predictable days would only mean they would not be available to work on another *less predictable* day while incurring more costs for the program.

This brings me to my final point. Businesses that want continuous inspection on holidays and on other days the State is closed have an option: they can receive services from the USDA Food Safety Inspection Service. We note, however, that businesses under USDA inspection who avail themselves of that service pay holiday rates upwards of \$850 per day.

We would not like to see businesses switch to USDA inspection. We feel we offer a more responsive service that exemplifies the Department’s “educate first; regulate last” approach to most of our regulatory responsibilities. But mandating inspectors work on holidays and “bonus” holidays will have a price. This is at a moment when our federal partners, who currently bear about 60% of program costs, are giving every indication they will be reducing their support for states. Given that, we see losing some plants to USDA inspection as a better option than overburdening our program’s resources.

Thanks for the opportunity to testify. I’m happy to answer questions now and at the work session.