

**Testimony of Andrew B. Plant, Plant Pathologist, Maine Potato Board to the Judiciary  
Committee  
April 28, 2025**

**LD 1667 – Resolve, to Allow Hemphill Farms, Inc. to Sue the State.**

Senator Carney, Representative Kuhn and members of the Judiciary Committee, I am Andrew Plant, Plant Pathologist for the Maine Potato Board. I write to you in favor of LD 1667.

Bacterial ring rot (BRR) of potatoes, caused by *Clavibacter michiganensis* subsp. *sepedonicus*, is a serious disease of potatoes worldwide. The gravity of its occurrence within a production system is evident in its adopted regulation as a zero-tolerance pest. Simply put, the discovery of one infected plant or tuber causes a seed to lot be rejected from sale as certified seed and leads to the sequential sampling and testing of all other seed lots a farm is marketing to sell as seed.

BRR is primarily spread as a seedborne disease with incidence and severity increasing with seed handling, equipment contamination, and seed cutting. The act of seed cutting provides ideal infection sites for the spread of the bacteria and can be disseminated 20 to 100-fold from one infected tuber during this process. Successful colonization of seed pieces leads to infected plants that wilt, have lower yields, and infected daughter tubers that will more than likely rot. In advanced infections, tubers will likely disintegrate completely in field or storage with large yield losses incurred owing directly to BRR or through the indirect infection of tubers by secondary, opportunistic pathogens.

From an industry perspective, management of BRR is effectively conducted by certified seed programs and implementation of zero-tolerance regulation for the bacteria. This is primarily achieved in seed certification programs through diagnosis of BRR based upon symptom expression with laboratory confirmation of pathogen presence.

Unfortunately, BRR is the situation Hemphill Farms finds itself burdened with. Bacterial ring rot was discovered by laboratory testing this past growing season in several of their seed lots, and unknowingly sold affected seed to its customers.

In rule, there are multiple regulatory inspections that are required of potato seed for BRR as well as other diseases. From the information and traceback provided to me by Hemphill Farms, they began having issues with rot several years ago from one particular lot of potatoes they imported from another state in the spring of that crop year. They received no import inspection from the Maine Department of Agriculture, Conservation, and Forestry's (MDACF) Seed Potato Certification Program, despite paying the fees for its inspection and providing notification of the seed's arrival. These inspections are mandated under Chapter 255, "Imported Seed Potatoes", and had the potential to detect BRR symptomatic tubers by a trained Seed Potato Inspector.

Subsequent plantings of the progeny of this questioned seed lot for recertification as seed require a dedicated BRR field inspection, by MDACF personnel, of the foliage for signs and symptoms of BRR under Chapter 252, "Rules governing certification of seed potatoes in the State of

Maine”. Records of this inspection were not able to be produced for Hemphill Farms by the MDACF.

The final opportunity, prior to sale to Hemphill’s customers, for our Seed Potato Certification Program to identify potentially BRR-infected seed comes with Chapter 253, “Official seed potato grade for Maine certified seed potatoes.” This rule states “All shipments of Maine certified seed potatoes are required to be inspected by an authorized Maine Seed Potato Inspector at time of packing.” There is no record of this occurring for these local seed shipments from this farm and seems to be a commonly unenforced rule by MDACF for seed that stays within the state. The risk to our industry is illustrated in this case brought here today, with the potential of a disease that can proliferate in tubers through winter storage and can go unchecked by trained professionals to be sold by, and to, unknowing, unsuspecting growers.

As one can observe here through this written testimony as well as the likely testimony of others; BRR can go from a small problem (one seed lot on one farm) to a large one (thousands of acres over multiple farms) very quickly, and likely costing millions of dollars in direct crop loss and mitigation efforts. Beyond that is the cost of reputational damage incurred to farm and Maine industry.

The State of Maine through the Maine Department of Agriculture, Conservation, and Forestry is mandated to regulate potato seed grown or entering into Maine for diseases, pests, and varietal purity among other things. Growers pay fees to the State in order for these quality assurance inspections to occur, and regulations exist to prevent the spread and sale of diseased or poor-quality seed.

In summary of this particular case, the management and regulation of BRR requires diagnosis of symptoms by trained professionals as provided by the State’s Seed Potato Inspectors. However, there is no accounting for these mandated visual inspections ever happening as required by three of our State’s Rules for Seed Certification. The unfortunate consequence of such is exemplified in Hemphill Farms current situation and the concomitant harm to purchasers of their seed.

I ask that you vote in favor of LD 1667. Thank you for your time and I’m always available to answer any questions you may have.