

131st Legislature
Senate of
Maine
Senate District 2

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LD 2202, "Resolve, to Allow Ireland Farms, Inc. to Sue the State"

Joint Standing Committee on Judiciary
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Senator Carney, Representative Moonen and Distinguished Members of the Joint Standing Committee on Judiciary:

I am Trey Stewart; and I represent Senate District 2, which includes several municipalities in Penobscot and Aroostook Counties. I am here today to present LD 2202, "Resolve, to Allow Ireland Farms, Inc. to Sue the State."

Understanding the bar is set very high for a suit against the state to move forward, submitting this legislation on behalf of Ireland Farms was not taken lightly. After hearing the testimony from Larry Ireland and his attorney Frank Bemis, I believe you, too, will come to the conclusion that Ireland Farms has just cause to be compensated for the state's failure to properly inspect seed as required by law.

Ireland Farms is a seed potato grower with 130 acres in Presque Isle that supports another 3,000 acres of potatoes. Seed potato growers work to harvest potatoes that will be stored, cut and planted for the next year's crop. Seed potatoes are a state regulated product and are certified so that growers can be assured their potatoes are not diseased and the State of Maine has rules for the importation and growing of seed potatoes.

To provide a bit of background, in 2015 a Blackleg bacterium struck the potato industry, first identified in Aroostook County. Blackleg is aggressive and causes rapid soft rot in potatoes and lowers the yield and marketability of crops. The source of Blackleg is from infected potato seed or from infected irrigation water and Maine has a testing regimen for protecting the industry from Blackleg.

I am sure you will be provided with a detailed timeline of events by those following me, but I will tell you that Larry Ireland noticed Blackleg in his crop in early July 2023. The Department of Agriculture Inspector conducted his first field inspection of Ireland Farms' seed potato crop on July 8, 2023. Mr. Ireland advised the inspector of his concerns. The inspector stated that he noticed some Blackleg but failed to note any in that day's Field Inspection report. Later that same month after sampling and lab testing it was discovered that four out of five samples showed positive results for Blackleg. Ireland Farms, however, was not given a copy of the lab results

until November 2023 despite repeated requests. They finally hired an attorney to obtain a copy of the report. This began months of turmoil for the Farm.

In late September of 2023 Mr. Ireland contacted the same inspector because of obvious Blackleg. At this time two inspectors reviewed the potatoes and indicated 10-12% of the crop was affected but nothing could be done about it. A third opportunity was missed by the Department to reject the Ireland Farms' seed potato crop. If it had been rejected, as it should have been, options would have been available to the Farm to mitigate their losses resulting from the infestation.

Lab testing in January of 2024 proved a 16% infection rate, well in excess of the 2% tolerance by rule. At this point the company was forced to sell the potatoes as processing potatoes at a much lower price than would have been received as seed potatoes.

Ireland Farms would like the opportunity to provide evidence that the Department of Agriculture failed to inspect the seed potatoes upon importation, failed to properly report the presence of Blackleg upon the first field inspection, failed to properly report the presence of Blackleg on a second field inspection and failed to provide the August 1, 2023 lab report for three months. As a result, a conservative estimate of their loss is more than \$500,000.

My hope is that you will give thoughtful consideration to Mr. Ireland's testimony and his pursuit to recoup a substantial financial loss that should have never happened in the first place.

Thank you for your time.