

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

**Joint Standing Committee on Judiciary**

**April 28, 2025**

Senator Carney, Representative Kuhn 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 1667, "Resolve, to Allow Hemphill 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 Hemphill Farms was not taken lightly. After hearing the testimony from Garrett Hemphill, I believe you, too, will come to the conclusion that Hemphill Farms has just cause to be compensated for the state's failure to properly inspect potatoes as required by law. Frankly, a message needs to be sent to the Department of Agriculture to give the potato industry the services and respect it deserves and pays for as a major economic engine in northern Maine.

Hemphill Farms is a potato grower with 500 acres in and around Presque Isle that supports another 5,400 acres of Maine potatoes. This equates to about 10% of the total potatoes in the State of Maine. 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.

I am sure you will be provided with a detailed timeline of events by those following me, but I will tell you that the Department of Agriculture has issued rules to create multiple defenses to keep Bacterial Ring Rot (BRR) out of the Maine potato industry. The Department has been lax in their following of the rules and in the effort they apply to ensuring that BRR is detected and eradicated. Without any justification, (1) the Department does not comply with the import inspection rules despite being paid for the service; (2) the Department does not keep any record of the required third and final BRR check of the growing season; and (3) the Department does not conduct inspections of seed deliveries within the State of Maine, despite a clear directive to do so.

There is zero tolerance for BRR due to the serious nature of the disease, the ease of transmission and the time it takes to eradicate it. Four out of nine seed lots tested positive after lab testing but not one of them produced a positive inspection despite the rules that require a BRR check be performed before top kill. Eight Maine potato grower customers of Hemphill experienced significant crop loss that is tied to Hemphill Farms. If the Department had followed its own rules, it would have stopped the BRR from being transmitted to other fields and kept intact Hemphill's 105-year reputation for selling quality seed potatoes.

Hemphill Farms would like the opportunity to provide evidence that the Department of Agriculture failed to inspect the seed potatoes upon importation, failed to properly inspect the potatoes for BRR and failed to follow their own rules to protect Hemphill Farms, its customers and the whole Maine potato industry. Remember that Hemphill Farms paid for these services.

As a result, a conservative estimate of their loss is approximately \$500,000 a year for the next five years.

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

Thank you for your time.