



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
OFFICE OF THE COMMISSIONER  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 473

*Resolve, Directing the Commissioner of Agriculture, Conservation, and Forestry to Quarantine Potatoes  
Capable of Carrying Harmful Plant Disease or Insect Infestation*

March 19, 2026

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Craig Lapine. I am the Director of the Bureau of Agriculture, Food and Rural Resources, and I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF). Although we have significant process and language concerns with the amendment as presented, we are testifying as neither for nor against LD 473, as we believe that there is a pathway forward that could resolve concerns that we, and others you will have heard from today, share (see Appendix A attached to this testimony for specifics on these concerns).

First and foremost, I want to emphasize that the Department fully supports preserving the health and integrity of Maine's potato industry. A disease-free seed supply is absolutely critical to the survival and prosperity of the industry, and we share that priority and are committed to working with the industry to address their concerns.

However, we believe that changes to the systems currently in place require thoughtful and intentional planning. This includes working with industry and our state and federal partners. The approach prescribed by this bill bypasses the inclusive, transparent process that traditional rulemaking provides, which would ensure all stakeholders have a voice and that decisions are made with full public participation and with full consideration of relevant science-based information and data. We are very willing to work with the industry to address their concerns regarding Chapter 30: Quarantine rules, just as we have been engaged in working with them on Chapter 255: Import rules, a draft of which is just weeks away from being published for public comment.

It should also be noted that, typically, effective and enforceable revisions to rules controlling the interstate movement of plant products are driven by new data, and there is an architecture available via the National Plant Board to do this in a systematic way. As with the shifting Golden cyst nematode (*Globodera rostochiensis*) quarantine in NY, quarantine areas expand and contract based on careful data collection and analysis, in that case, soil test results. Likewise, we believe that changes to Chapter 30 should be data-driven. While states have

HARLOW BUILDING  
18 ELKINS LANE  
AUGUSTA, MAINE



PHONE: (207) 287-3200  
FAX: (207) 287-2400  
WWW.MAINE.GOV/DACF

the authority to regulate the interstate movement of plant materials, agricultural producers need time to respond to new regulations. They also need time to plan and identify new suppliers and markets.

## **Background**

Current rules impose a quarantine—that is, a total ban on the importation of potato tubers—from Oregon, Washington, and Idaho. The quarantine also applies to specific counties in Nevada, California, Colorado, Utah, and Virginia. In keeping with these long-standing rules, Maine growers and resellers import potato seed every year from a variety of states, including Colorado, New York, and other regions implicated by this legislation.

Earlier this year, a Maine-based company that imports potato seed for resale imported a shipment of seed potatoes from Colorado. This is allowed under the current rule chapter 255 governing imports and rule chapter 30 governing quarantines. The import application was, as required, accompanied by a North American Health Certificate (NAHC), akin to a health report card. This certificate is an important tool our Seed Certification Program (and the potato industry at large) relies upon to prevent the spread of disease. In addition to reviewing the NAHC, a member of our staff inspected the load. Import inspection is another tool we have to minimize disease.

When our inspector identified concerns with the shipment's appearance, we immediately collected a sample for testing and had the importer hold the seed from commerce—following our standard protocol. The inspector initially suspected fusarium (dry rot) and submitted the sample to the Maine Potato Lab, our state regulatory facility managed under contract by the Maine Potato Board.

During the review process, a Maine Potato Board employee raised the possibility of the presence of Columbia Root Knot Nematode (CRKN). Although CRKN has been documented in two Colorado counties historically, the seed in question did not originate from either location. Neither our inspector nor the Ph.D. pathologist managing our Seed Certification Program suspected a nematode; however, we exercised an abundance of caution and pursued additional verification testing.

The University of Maine Cooperative Extension Plant Disease Diagnostic Lab conclusively confirmed that the sample tested negative for CRKN.

In sum, the system functioned as designed—the rules were applied, certifications were issued, our inspector conducted an appropriate review, we undertook additional testing, and we received definitive results. To date, using these existing safeguards, CRKN has not been found to be present in the state.

In closing, we share the Maine Potato Board and the industry's concern about preventing new potato pests that could threaten Maine's critical potato crop and industry. We also support reviewing and updating existing seed import and quarantine rules. However, we do not believe this is an emergency situation based on the facts available, and that allowing us to work together to update the quarantine rules through the traditional rulemaking process would be in the best interests of all.

Thank you for your consideration of these complex issues. We have multiple staff in the room who are happy to answer more in-depth questions now or during the work session.

## APPENDIX A

### **The expedited approach proposed by LD 473 raises several concerns:**

- **Reduced transparency and public input:** Regular rulemaking helps avoid unintended consequences by ensuring that affected and interested parties across the state, and elsewhere, are aware of proposed language and have a meaningful opportunity to provide input. For example, a public hearing is required to be announced at least 30 days in advance, and a 10-day comment period afterwards. While the bill calls for rulemaking to incorporate the new language, it also predetermines additions to Chapter 30 that arguably circumvent public input. Note that in holding this rulemaking, we may need to make additional updates to the Chapter needed to effectuate the intent of this bill.
- **Lack of clear rationale and external risk:** The current restriction of imports relies on sound, publicly available data upon which state regulators and producers can rely; for instance, the USDA's Cooperative Agricultural Pest Survey (CAPS) data. This provides the basis that all jurisdictions can accept (or restrict) each other's imports. If we move forward without that basis it could invite retaliation from longstanding trade partners.
- **Workability:** The bill speaks to commodities "infected or contaminated with" nematodes. It's unclear how that will be determined, and whether the rule would require a nematode test for imports. Nematode control is generally exercised based on geography, and testing is generally conducted through soil tests. There is limited national capacity to conduct specific soil testing (and the Maine Potato Lab currently lacks that capability). That has the potential to impose high financial costs somewhere in the system; that ultimately would likely be borne by Maine importers.