



Maine Potato Board

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**Testimony of Jeannie M. Tapley, Executive Director,
Maine Potato Board to the Joint Standing Committee on Judiciary**

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

Senator Carney, Representative Kuhn and esteemed members of the Judiciary Committee; I am Jeannie Tapley, Executive Director for the Maine Potato Board (MPB) and I am writing to you in strong support of LD 1667: Resolve, to Allow Hemphill Farms, Inc. to Sue the State.

The Maine potato industry has a state economic impact of \$1.3 billion each year, providing over 6,500 jobs and generating \$237 million in labor income. The potato industry is a vital part of the entire Maine economy and communities. There are three types of potato growers: (1) fresh pack or table stock growers for potatoes sold in stores and restaurants, (2) processing growers for potatoes processed into fries, chips, etc., and (3) seed growers for potatoes that will be stored, cut and planted for next year's potato crop. Each type of potato grower has different protocols for raising their potatoes; seed potatoes have more stringent standards that cost more to grow. Seed potatoes are a state regulated commodity and are supposed to meet many different regulations through inspection processes so that growers can be assured that the seed they rely on to grow next year's crop is not starting out in poor health. The State of Maine has rules for seed certification and growing of seed potatoes. Without a good foundation (seed) the Maine potato industry as a whole struggles greatly.

Unfortunately, over the last eight years, the Maine seed industry has seen a great decline in the quality of services received from the Maine Seed Certification Program within the Maine Department of Agriculture, Conservation and Forestry (MDACF) and this has had a major impact on the potato industry in Maine. We have lost many seed potato growers and thousands of seed potato acres.

There are five inspections required by law for seed potatoes in Maine; I wanted to provide a timeline of those inspections to help with clarity:

Import Inspection - Chapter 255:

This inspection usually occurs in the April/May timeframe. Seed originating from outside of Maine are governed by Chapter 255: IMPORTED SEED POTATOES, and growers are required to apply for import permits which require documents from the exporting entity that reflect that the seed meets our Maine Certified Seed standards. MDACF is to review the application and accompanying documentation and sign-off on its fitness to import. Any and all lots or shipments of imported seed potatoes must be held and not delivered until inspected by a member of Division of Plant Industry's Certified Seed Inspection Staff.

Field Inspections/PHT – 3 or more inspections required – Chapter 252:

If the seed from above is to be recertified (grown for the intent of selling as seed for next year's crop), growers are required to apply for entry into the seed certification program. Certification rules are governed by Chapter 252: RULES GOVERNING CERTIFICATION OF SEED POTATOES IN THE STATE OF MAINE.

As provided in this document, a general overview of the requirements are as follows:

- a) Field Year Designation
- b) Three or more field inspections- Two approximately one month apart (July/August) from each other to determine general disease and purity content. One or more additional inspections by MDACF for Bacterial Ring Rot will be made after the second inspection and before top kill (August). One or more additional inspections by MDACF for Bacterial Ring Rot may be made during harvest (September/October).
- c) Post-Harvest Testing where grower submitted samples are laboratory tested for PVY and PLRV virus incidence (November- January).

Shipping Point Inspection – Chapter 253:

These inspections generally occur in the late winter/early spring. Seed originating from within state should be inspected at time of packing as governed by Chapter 253: OFFICIAL SEED POTATO GRADE FOR MAINE CERTIFIED SEED POTATOES.

All shipments of Maine Certified Seed Potatoes are required to be inspected by an authorized Maine Seed Potato Inspector at time of packing and must meet the requirements of the prescribed grade in order to be issued official tag or bulk shipping permits.

As in the Hemphill Farm issue before you, there were three inspections that were not performed or have no record of being performed, but are required by law; the import inspection, the BRR inspection and the shipping point inspection.

In voting for this bill, you are not admitting fault with MDACF, this bill is simply giving the Hemphill Family the opportunity to have their day in court and allow them to plead their case to a judge and/or jury. I ask that you please vote in favor of LD 1667 and allow that right to this family. Bringing this discussion to light will help strengthen MDACF's regulatory functions and help safeguard the sustainability of the potato industry in Maine. Thank you for your time and I will be available at the work session to answer any questions.