



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
**BUREAU OF AGRICULTURE, FOOD & RURAL RESOURCES**

28 STATE HOUSE STATION

AUGUSTA, MAINE 04333

**PAUL R. LePAGE**  
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**WALTER E. WHITCOMB**  
COMMISSIONER

November 14, 2016,

**Final Report on Hillandale Farms Complaint # 16497**

On June 2<sup>nd</sup> 2016, the Animal Welfare Program (AWP) received an email from Amanda Hungerford of the Humane Society of the United States (HSUS) with an attached letter (Appendix A.) stating that HSUS had conducted an undercover investigation at Hillandale Farms in Turner Maine during March and April. The letter claimed that the following practices were witnessed:

- Hens were forced to share cages with the decaying carcasses of their dead cage-mates. Some dead birds had been left in cages so long that they were mummified and stuck to the wire cage floor.
- Equipment – including electrical outlets – was filthy and covered in thick Cobwebs and chicken feathers.
- Many cages were coated in feces.
- Chicken manure build up below cages in the barns oozed out onto the floors.
- The facility failed to effectively control rodent access. Scores of mice run through the aisles of the chicken barns. There are also large numbers of dead and dying mice in the chicken barns, and even in the cages with the chickens. Poisoned rodents are not removed from the barns, but are instead emptied onto the floor and eventually swept into chicken manure pits. The byproduct of those pits is sold for fertilizer
- A mummified rodent was even seen on the pulley where the egg belt meets the conveyor.

The letter also accused Hillandale Farms of having possible contaminated water, adulterated eggs, and violations of animal cruelty laws because the farm did not comply with Best Management Practices.

Hillandale Farms are monitored by the Department of Agriculture's Quality Assurance & Regulations Poultry Egg Inspectors and Animal Health's Programs for *Salmonella Enteritidis* Risk Reduction and Surveillance Program along with periodical reviews of the facilities Best Management Practices (BMP's) by the Animal Health veterinarians.

Once the complaint was received by AWP a complaint number was assigned as #16497 and the other programs involved with the operations of Hillandale Farms were notified of the complaint as well. A link to an edited 10 minute video of the undercover HSUS operation was provided to AWP to help back up the claims of animal

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cruelty. A request was made to HSUS from AWP to provide the unedited footage and to allow our investigators the ability to interview the HSUS investigator about this case and what he witnessed. 214 short videos were provided by Mary Beth Sweetland, Director of investigations for HSUS and a date scheduled to interview the witness.

*7§3909. Enforcement. 6. Confidential information. The names of and other identifying information about persons providing information pertaining to criminal or civil cruelty to animals to the department are confidential information and may not be released.* Under this section, the HSUS staff member will be referred to as the "witness" and information that could lead to their identity will be redacted. This is to include any videos or photos that can lead to their identity.

An interview was scheduled that consisted of the witness, Leena Stormont HSUS Attorney for Animal Protection litigation, and Mary Beth Sweetland, Director of investigations. District Humane Agent Angela Young, Dr. Rachael Fiske Assistant State Veterinarian, Liam Hughes, Director AWP, and Mark Randlett Assistant Attorney General represented the State of Maine. During that interview the Animal Welfare Investigator and staff reviewed the claims made by HSUS and their witness. Many questions were asked about the time the witness spent working at the farm, their training, how the videos and photographs were collected, procedures they was instructed on performing their duties.

After this interview AWP staff reviewed the footage again and then planned an unannounced visit to the Hillandale egg farm in turner. This visit was unscheduled and no in association with any other regular site visits planed by Animal Health or Quality Assurance divisions. During this visit the investigating agent and staff veterinarian inspected a random barn that was housing chickens. Upon completion of the inspection the investigating agent began to review the best management practices and information collected by the department.

As to the complaints brought by the HSUS on June 2<sup>nd</sup> 2016 relating to charges of animal cruelty, The Animal Welfare Program had found no proof that Hillandale Farms had violated Best Management Practices and meets the criteria for *2. Affirmative defenses: D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department*, as listed in 7§4011. Cruelty to animals. On 20 October 2016, ADA Bogue of Androscoggin County District attorney's office agreed that animal cruelty citations were not plausible.

This concludes Animal Welfare's investigation of complaint # 16497



Liam Hughes

Director  
Maine Animal Welfare Program



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28 October 2016

Case #16497

Accused: Hillandale Farm  
272 Plains Road  
Turner, ME

Complaint: In response to an undercover investigation performed by the Humane Society of the United States that included a Press Release, stating conditions inside the facility were inhumane.

Agent: A. Young

On 7 June 2016 I was notified by Animal Welfare Director Liam Hughes that he had received a letter last Friday from the Humane Society of the United States alleging animal abuse at the Hillandale egg farm in Turner. Director Hughes stated that HSUS is planning to do a press release later in the day outlining their concerns. He has requested the investigating witness and copies of the videos to be available for questioning and review.

At approximately 0909hrs I contacted Director Hughes and asked if a first-hand complainant needed to contact the office to file a formal complaint, as is our general protocol. I also asked Director Hughes what time the press release was scheduled for, and thanked him for the information.

At approximately 0918hrs Director Hughes replied stating that an attorney for the complainant contacted us and in turn lawyer-client confidentiality takes effect. He stated that HSUS would be conducting the press release in Boston, MA around 1000hrs but he is not sure if that is exact. Director Hughes again stated that we would need to interview the witness and view the unedited footage. At approximately 0950hrs I contacted Director Hughes and asked why HSUS would be conducting a press release for a complaint that we have yet to investigate. Director Hughes stated because they want us to investigate it. Confusingly, I stated that I thought it seemed a bit counterproductive for a public press release if they want an investigation performed and that we do not need a press release to file a formal complaint report, simply a first-hand complaint. Director Hughes responded and stated that we did not have all of the information yet and would wait to receive the required documentation.

On 20 June 2016 at approximately 1043hrs Director Hughes stated that he had received the unedited videos on two flash drives. The footage was reviewed and included segments of the following within short video clips:

- Removing deceased chickens
  - Different stages of decomposition, including trampled ('pancake'), transfer to mortality bins (2) for counting, carcass on floor

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- Some videos start with carcass being held up in aisle way, in cage and removed through front door or held up over the mortality bucket
- Assisting chickens that were stuck within a part of the wire cage
  - Alive and deceased
  - Some contributed to egg jams on the belt from hanging out of the cage
- Rows of chickens within the barns
  - Chickens eating with rows clean and void of manure
  - Some manure pile up
  - Random loose chicken in the aisle way
- Other personnel/Co-workers
  - Barn workers performing daily duties/training, cervical dislocation process
  - One stating if you put a live chicken in the mortality bucket they will fine you for animal cruelty
  - Carcass collector in tractor with ½ bucket full
  - Supervisor checking sheets on the wall
  - One stating that as long as chickens are standing and laying eggs that's all that matters
  - One stating in regards to the chicken carcasses within the cages that there is a difference between missing them sometimes and plain neglect
  - Explanation of five chickens per cage and if there are more than need to relocate others to less populated cages for equal five or less per cage
  - One stating that the Winthrop egg facility is closing
  - Statement that Mr. Decoster's wife owns 54% of the company
  - Explanation of changes with molting (change feed, get fed twice a day to make eggs harder)
- Chickens within the cages
  - Observations of overcrowding, feather plucking, wet feathers, empty cages
  - In need of medical care vs. euthanasia (prolapse, injury)
- Maintenance
  - Leaking waterers, Other employees shutting water off
  - Cobwebs on cages
  - Pest Control (fly and rodent), deceased rodent on floor, deceased rodent in chicken cage
- Technical
  - Date stamp omitted on most
  - Camera quality changed with wrong date stamp
- Property
  - Surrounding barns and grounds area
  - Wooded area

There was also a video of the videographer taking still pictures on [REDACTED] cellphone. These pictures were not received with the video clips.

On 21 June 2016 at approximately 1558hrs I received confirmation for an interview date of 23 June 2016 with the undercover investigator and other HSUS personnel.

On 23 June 2016 personnel from our agency (Animal Welfare Director Hughes, Animal Welfare Veterinarian Dr. Rachael Fiske, Assistant Attorney General Mark Randlett) met with HSUS personnel Senior Director of Investigations Ms. Mary Beth Sweetland, Contracted Investigator [REDACTED] and Attorney for Animal Protection and Litigation Ms. Leana Stormont. Also attending the first half of the meeting was HSUS Maine State Director Ms. Katie Hansberry, who stated that she was not aware of the investigation but rather informed after it had concluded. Ms. Sweetland stated that she had personally invited Ms. Hansberry, yet forgot to email the Department of Agriculture, Conservation and Forestry meeting coordinator Ms. Mari Wells-Eager to see if it was okay. Ms. Sweetland stated that she hoped it was okay for Ms. Hansberry to be present as 'she should know'.

Once introductions were given I began asking questions based off the videos that were received prior. Ms. Sweetland stated that the HSUS was approached by a 'whistle blower' at the facility, of which prompted their investigation. [REDACTED] was chosen as the investigator due to [REDACTED] animal handling experience, as well as [REDACTED] history as an Animal Control Officer. [REDACTED]

[REDACTED] currently is contracted with the HSUS as an investigator as well as part of their 'Rescue Team'. Ms. Stormont stated that the Animal Rescue Team deploys on large scale cases, such as hoarding and dog fighting situations.

I asked [REDACTED] how [REDACTED] became employed at the facility. [REDACTED] stated that an inquiry was made at the Hillandale facility if they were currently hiring and an application was given with almost immediate hire. Start date was delayed a week for another orientation class to be held. The orientation was mostly about company rules, safety, as well as a mention that animal cruelty would not be tolerated and if you see it happening to alert your supervisor. Also, a video was shown by the United Egg Producers on animal handling. Ms. Stormont interjected 'just to refresh' [REDACTED] memory as there was a lot of mention during the orientation of workers comp claims and a number of other things that she didn't want it to seem like it was all about animal welfare. [REDACTED] stated that it was stressed that worker's comp would not work, the company would fight it, nor would you make enough money to live off from. Ms. Stormont again, interjected stating that they were told the company will know if you are trying to trick them with an injury.

Director Hughes inquired if there was any printed material given at the orientation. [REDACTED] stated that [REDACTED] had received a little handbook that was mostly about safety, rules and stuff like that. The orientation did not even last one full day and [REDACTED] 'thinks' [REDACTED] began working in the houses the day after. [REDACTED] also stated that [REDACTED] 'believes' [REDACTED] signed a form stating they understood the orientation, and [REDACTED] handed the form back to the orientation leader. Ms. Stormont was flipping through a binder with papers and pointed to one of the papers for [REDACTED]. Ms. Stormont asked [REDACTED] if the manual [REDACTED] was referring to was the Employee Training Manual, [REDACTED] confirmed. [REDACTED] stated that [REDACTED] did not remember the name of the man that gave the orientation training. Ms. Stormont again pointed [REDACTED] to the binder and stated that there were a number of people. As Ms. Stormont pointed to the piece of paper, [REDACTED] read from it 'Flanders'. Ms. Stormont then states and points to the paper 'and there was this other person', with [REDACTED] reading again from the binder stating there was also a woman from Human Resources present. There were approximately fifteen new employees in [REDACTED] orientation training of which was held every Thursday.

The next day [REDACTED] was asked to show up in front of the office and someone would come and get you to bring you to where you would be working. [REDACTED] went to the [REDACTED] complex and was introduced to the crew chief, of which in turn [REDACTED] was placed with the employee that would train [REDACTED] for the next two days, [REDACTED]. Ms. Stormont referred [REDACTED] nonchalantly to the binder indicating that 'we believe his last name began with a [REDACTED]', of which [REDACTED] stated that [REDACTED] had amended [REDACTED] notes later and was confident his last name was with an [REDACTED]. At that point Ms. Stormont handed out copies of the satellite facility map with numbers and stated that this is for our reference when they are talking about barn numbers. [REDACTED] then confirmed that they called the barns with the [REDACTED]. Ms. Sweetland then corrected Ms. Stormont and [REDACTED] and stated that it was a print out from Google Earth, they were not barn numbers but the approximated number of barns per complex she could count on the map.

[REDACTED] stated that [REDACTED] trained with [REDACTED] in the first two barns within the [REDACTED] complex, [REDACTED]. [REDACTED] duties during training entailed primarily following [REDACTED] around and observing. A general day started at 7:00am with the first duty being a mortality check in which you pull all of the deceased chickens from the cages. [REDACTED] stated that when [REDACTED] was done helping [REDACTED] helped out in barns [REDACTED], of which [REDACTED] was told there were 45,000 chickens in each of the barns. Mortality check takes approximately until the first break time to complete and there was an average of 7-10 deceased chickens per day, per barn. Employees were also required to annotate an indoor temperature recording from the digital thermometers on the wall in the hallway before first break. This information was recorded on a clipboard on the wall within the barn. Ms. Stormont stated that the deceased chickens were stored within a 'designated trash bin'. [REDACTED] stated there

were two bins. One has wheels so that you can bring it around the barn with you for collection and the other is empty. Once you finish your walk through you count the deceased birds and transfer them to the empty trash bin. Any other mortalities that are found throughout the day are placed in the empty bin so they are counted towards the mortality check for the following day. There is a mortality trash bin that is filled with deceased chickens from 'days gone by' that were supposed to get emptied twice per week by the 'guy in the loader', but [REDACTED] wasn't sure this always happened.

Ms. Stormont interrupted and asked [REDACTED] if [REDACTED] could explain how the temperatures are recorded, time of day and what that means. [REDACTED] explained that you have to find an average of the five temperature recordings on the wall, in the morning, adding that it is essentially the coolest part of the day. [REDACTED] stated that the entire day you are walking through the barns removing eggs jams, fixing belts, etc. After break [REDACTED] went around with a scraper, a giant ice scraper type device to scrape the floor and by 10:00/10:30am they wanted an egg count. [REDACTED] stated there were 20 cages that are designated in two rows in each barn where the belt is tucked up under the wire so the eggs are collected and counted. This number is also annotated on the clipboards and by the time all of this is done, it's almost lunch time. [REDACTED] stated that after lunch [REDACTED] swept the barns, continued removing egg jams and then it's just about time to go home. There weren't many tasks to perform; it just took a while to complete each one because of the distance you needed to walk within the barns.

[REDACTED] stated that each day one of the barn men had a day off also, so if there are five barn men within the ten barns, and assuming everyone shows up to work, then two people have to do three barns instead of their usual two. [REDACTED] stated that if someone doesn't show up for work, you work the same length work day but have the additional work load of another barn. [REDACTED] stated that [REDACTED] heard stories of workers having to complete four, five, or six barns and was unsure how anyone would be able to properly perform those duties. [REDACTED] stated that in situations like that [REDACTED] assumed that the barns were not scraped and swept due to the time constraints and work overload. The mortality check and egg count were imperative to perform.

[REDACTED] stated that [REDACTED] was the Crew Chief and [REDACTED] couldn't remember [REDACTED] last name. [REDACTED] stated that [REDACTED] was in charge of the [REDACTED] complex and would be responsible for the workers within that complex. Ms. Sweetland interrupted and stated that [REDACTED] last name was [REDACTED]. [REDACTED] confirmed and that [REDACTED] was [REDACTED] 'go-to' person and the only designated supervisor. [REDACTED] had complained that [REDACTED] had been working seven days for many weeks and at one point had stated who the second in command would be, but [REDACTED] stated that [REDACTED] couldn't remember who and never met [REDACTED]. Ms. Stormont threw out the name [REDACTED] and [REDACTED] stated [REDACTED] did not know who that was.

I asked [REDACTED] if [REDACTED] could confirm that there was no one person designated to perform a specific task, rather you were required to perform all tasks within the barn. [REDACTED] confirmed and stated that there was supposed to be a 'maintenance person' but [REDACTED] never saw or met one the entire time [REDACTED] was there. [REDACTED] then stated that there was a younger kid that had been brought in to do maintenance but he did not have any tools. The kid said they were going to supply him with tools and never did; he did not buy any and was constantly going back and forth to borrow [REDACTED] tools. In general, [REDACTED] performed the maintenance that was required.

Ms. Sweetland interrupted and stated that she would like to add that the pest control within the barns was a totally separate activity and handled by an outside contractor. [REDACTED] corrected Ms. Sweetland and stated that the frontend where the processing was performed was contracted out, yet the barns themselves had their own 'pest control person' on staff, which was [REDACTED]. [REDACTED] goes around, fills the bait traps and documents the mice count for the whole complex. [REDACTED] stated that he saw him about once a week. Director Hughes questioned if pest control only pertained to rodents or flies also. [REDACTED] stated that it was both and that [REDACTED] would be told by [REDACTED] to 'go bait those barns' of which they would throw granular fly bait onto the floor and the waste boards underneath the birds. [REDACTED] stated that it almost always falls into the feed. This was performed increasingly more as the weather was getting warmer and by the time [REDACTED] was done working, fly bait was thrown every other day. Another pair of men would come in with steel backpacks and fog the barns, of which they would not be able to enter the barns for about five minutes. Director Hughes questioned if [REDACTED] knew the name of the product being used and Ms. Sweetland stated that they did and began

looking through her notes. [REDACTED] stated that other employees told [REDACTED] should stay out of the barns approximately one hour.

Ms. Stormont asked [REDACTED] if the ventilation was closed during this time and [REDACTED] stated that the ventilation is on a timer with the thermometers and kicks on the exhaust fans when a certain temperature is reached. I asked [REDACTED] at what time of the day were the fly granules thrown and [REDACTED] stated typically at the end of the day. I asked if [REDACTED] recalled what the name of the granules was and [REDACTED] asked Ms. Sweetland if she had written it down. Ms. Stormont stated that they would have to get back to us with that information. Ms. Stormont asked [REDACTED] if the crew that was releasing the fog came in with a full respiratory, HAZMAT suit and [REDACTED] confirmed they did. I asked [REDACTED] if the pest controlled was documented on one of the clipboards at the barn and [REDACTED] stated that it was logged in [REDACTED] office. I asked if the person to physically throw the fly granules is the one to write it down. [REDACTED] stated that [REDACTED] documented it, 'I suppose'. Ms. Sweetland interjected and addressed [REDACTED] stating that she believes [REDACTED] told [REDACTED] at one time that it had been weeks since the bait stations were baited. [REDACTED] stated that [REDACTED] didn't remember and Dr. Fiske stated that she remembered that in one the videos as well. Ms. Stormont stated that if there were any questions that we needed concrete answers for that they couldn't provide then they would be able to look through their documentation and get back to us.

I stated that some of the videos documented leaky water apparatuses within the individual cages and questioned what the procedure was for finding a situation like that. [REDACTED] stated that it was their responsibility to fix it, if possible. [REDACTED] stated that a lot of the videos with leaky waterers were due to the maintenance personnel removing the nipples on the end of the waterers to wet the boards. [REDACTED] later then stated that the 'scraper' people, who's only job is to scrap the feces from the boards, will remove them to soften up the feces and make their job easier. [REDACTED] stated that if [REDACTED] saw it, [REDACTED] would ask [REDACTED] about it, more than once and [REDACTED] stated [REDACTED] would replace them. In the meantime, [REDACTED] stated that the chickens underneath the dripping waterers would be drenched. Director Hughes asked [REDACTED] what the scraper's schedule was compared to [REDACTED] and [REDACTED] stated that they would come in to scrape during the day while [REDACTED] was there, but it was different every day. [REDACTED] stated that they would scrape the entire [REDACTED] complex and one of the scraper's went by the name [REDACTED]. [REDACTED] stated that [REDACTED] and [REDACTED] name was [REDACTED]. Ms. Stormont directed [REDACTED] to the binder and extracted the name [REDACTED]. While [REDACTED] went on vacation back to [REDACTED] another guy named [REDACTED] filled in. [REDACTED] then came back just before [REDACTED] got done at the egg farm.

I asked [REDACTED] the dates which [REDACTED] was employed at Hillandale and [REDACTED] stated that [REDACTED] got done on [REDACTED] after working [REDACTED], with every [REDACTED]. I then asked [REDACTED] if [REDACTED] knew any of the maintenance personnel [REDACTED] talked about. [REDACTED] stated that there was no maintenance personnel that [REDACTED] knew of the first two to three weeks [REDACTED] was employed. [REDACTED] and Ms. Stormont then began confusedly talking over each other while Ms. Stormont stated that [REDACTED] was 'doing it all' and there wasn't any maintenance person, while [REDACTED] stated that [REDACTED] wasn't supposed to be doing it all. Ms. Stormont was reiterating that there wasn't anyone else aside from [REDACTED] unless I was referring to the scrapers, while [REDACTED] was stating that the scrapers were a different group of workers. Ms. Stormont continues stating that there was just [REDACTED] and this one other worker, of which [REDACTED] stated his name was [REDACTED] that came in near the end, and that was it.

Assistant Attorney General Randlett asked what the term 'maintenance' was referring to and what their duties were. [REDACTED] stated it pertained to fixing any of the moving components such as the feed augers, feed silos, egg conveyor belts and sometimes water. [REDACTED] stated that [REDACTED] didn't have problems with the water in [REDACTED] barn but [REDACTED] heard in other barns where there were water problems. I again, questioned [REDACTED] in that there was no maintenance person for the first three weeks [REDACTED] was there, and [REDACTED] confirmed but then stated that [REDACTED] was doing both jobs and made sure that people knew it. [REDACTED] stated that once in a while [REDACTED] would get stuck on fixing a component and they would send someone else over to help [REDACTED]. [REDACTED] stated that in one of the videos [REDACTED] was going on about how they weren't able to get anyone to come over and help [REDACTED]. I questioned [REDACTED] about [REDACTED] previous statement where [REDACTED] stated that the maintenance people were removing the nipples from the waterers. [REDACTED] corrected [REDACTED] and stated it was the scraper personnel and

■ was just calling them maintenance. Director Hughes then asked ■ what ■ job title was as we have identified maintenance personnel, pest control personnel and scrapers. ■ stated that ■ was called a 'barn man'.

I asked ■ if the new employees were able to pick which job duty they performed at the orientation. ■ stated that they stressed that they really needed barn help when ■ went for the interview and they had an ad online for barn help. ■ stated that Mr. John Howard interviewed him and said that if ■ didn't like the barn they could move ■ into something else. So ■ said yes, people get hired for different jobs.

I asked ■ if the euthanasia process was discussed during the orientation. ■ stated that yes, it was and that they were told if you didn't feel comfortable with euthanizing the chickens you would not be asked to do it. ■ stated that did not turn out to be correct at all. ■ stated that ■ had to ask another worker how to properly euthanize a chicken as ■ did not have an opportunity to do so during ■ two day training. ■ stated that ■ saw a chicken that was 'bad off' and ■ showed ■ the cervical dislocation process, as well as another worker ■ had asked. Ms. Stormont asked ■ to talk about ■ lack of proficiency with the cervical dislocation process and his demonstration. ■ stated that ■ had a hard time with it and was upset that ■ got blood on ■ I asked ■ if it appeared that ■ didn't normally euthanize the chickens and ■ stated that ■ couldn't say but ■ is sure ■ has, then stated ■ not sure but ■ guessing ■ has. I questioned ■ in that some of the videos there was documentation of a chicken that obviously had something wrong with it and inquired what the process was and how ■ supposed to address that type of situation. ■ stated that ■ was told by ■ on a couple occasions, along with numerous other people, that as long as the chicken can stand up and lay eggs to just leave them alone. Ms. Sweetland stated that this is audible in the corresponding video.

Ms. Stormont referred to the binder she held and asked ■ if ■ could explain the attitude that was given when ■, the scraper, talks about a particular hen. ■ stated that ■ had approached ■ about a live hen he had pulled from the auger with genuine concern. ■ told him that ■ believes the chicken should be euthanized as it wasn't moving and it most likely has broken legs and wings. ■ stated that ■ carried the hen to the garbage can and it stood up like she had recovered from being stunned. ■ stated that ■ put her in an empty cage and she made a full recovery. ■ stated that it isn't uncommon for there to be a loose bird, or two, or three, running around. Sometimes you can catch them but if they see you coming they will dive down into the pit. Ms. Stormont interjected and stated that her take away from the situation was that the process was to just 'let the birds expire', yet ■ had suggested euthanizing the bird. ■ talked over her a bit and stated that you could 'take it that way, certainly'. Ms. Stormont stated that they didn't have certain markers. Ms. Sweetland stated that they didn't have 'sick cages'. ■ stated that ■ had asked ■ about the hospital cages as there was still paperwork from Moark on the board regarding them. ■ stated that the guys were laughing about how silly it was and that they don't do that anymore. ■ stated that you often see signage still from Moark and it wasn't accurate.

I asked ■ if during the orientation they reviewed the best management practices for the facility. ■ stated that it did not sound familiar and the orientation was an overview for the entire facility, not one particular job. There were ■ that were going to be working in processing, some that were new scrapers and just general safety information. ■ stated that ■ believed the guy running the orientation was the safety manager, while Ms. Sweetland interjected the name Mr. John Flanders.

I then questioned ■ who was in charge of the manure management. ■ stated the ■ complex were shallow manure pit barns and those in charge of manure would be the scrapers, such as ■ and ■. ■ stated that the scrapers didn't work often so when they finally did get them moving there was so much excrement that it was pushed out into the aisle ways and you would have climb over it. Ms. Stormont stated that this facility is kind of being held together by chewing gum and dental floss. She continued and talked over ■ stating 'seriously, it is so dilapidated that even just doing the stop, gap, mitigation measures are almost impossible to keep up with'. ■ stated that it is mentioned in more than one video, by more than one person, that it does not seem like they are putting any money into the facility. Ms. Stormont stated that clearly they are not investing in any kind of improvements. Ms. Sweetland stated that during



orientation Mr. Flanders, of whom reminded [REDACTED] of Ed Asner, was speaking of avian influenza, how much of a disaster it would be for their facility and the purpose for spraying vehicle wheels while entering the property. Ms. Sweetland stated that by the time [REDACTED] had finished [REDACTED] employment [REDACTED] days later, it had been decided to cease the wheel spraying because it was too expensive to continue.

[REDACTED] stated that they were very concerned with employees applying for worker's compensation. Ms. Stormont interjected and stated that Mr. Flanders had told the new employees that he was an expert in first aid so he could really tell. [REDACTED] stated that [REDACTED] was told there was a trained first aid employee in each complex and when [REDACTED] asked a couple different employees about it, they laughed. Ms. Stormont stated that clearly it suggests there has been some history with people being injured on the job. Ms. Sweetland stated that workers have to stand on the very top of ladders to replace overhead lightbulbs. Ms. Stormont added that ammonia and dust are also conditions in conjunction with being on top of a ladder. To clarify, [REDACTED] stated that when it got hotter outside they were asked to open up vents that ran the entire length of the barn, which took several hours. This was performed generally after lunch time with either a four foot, or six foot ladder which [REDACTED] stated seemed unsafe. Ms. Stormont added that this task was performed alone as well. [REDACTED] stated that [REDACTED] had thought about the possibility of falling and landing into the pit before. [REDACTED] also stated that [REDACTED] read an article where an employee had been shot at this facility while partaking in pest control and hadn't been found for 'a really long time'. [REDACTED] stated that there is no communication among the barns at all, no intercom system or walkie talkies. Upon questioning, [REDACTED] stated that there was a no cell phone policy addressed at the orientation and if you were caught, you were fired. [REDACTED] stated that [REDACTED] knew a couple of the workers that carried their phones specifically for safety purposes, like were just discussed. Ms. Stormont asked [REDACTED] to elaborate on my question a little more as to the purpose behind the no cell phone policy. [REDACTED] stated that someone posted something on Facebook once upon a time. Ms. Stormont added that they did not want the employees photographing things and there was no other stated reason for the policy.

I asked [REDACTED] what was used to videotape the footage and there was a silent hesitation to answer my question. Ms. Sweetland began laughing and stated that it was a body camera but they don't usually give details of where it was worn, and then asked if that was a problem. Director Hughes began to reply and she stated that it was just a hidden camera. Director Hughes stated that it was noticed the camera and video quality had changed halfway through the documentation and the time and date stamp were wrong on some of them. Ms. Sweetland stated there were technical difficulties with the equipment. Director Hughes questioned what the recording time was on the camera and Ms. Sweetland stated it depended on the camera. The HD camera takes up a lot more battery power with increased pixels. I asked [REDACTED] why some of the video documentation started by holding up a dead chicken, insinuating the mortality had been pulled from a cage, or was over the mortality bucket and it was unsure if this was a new mortality or one that had already been documented that was being re-recorded. Ms. Stormont stated that these cameras are sensitive and you could be under the impression you are recording something and you aren't.

Ms. Sweetland added that if you are wearing a body camera and it is in a place where it's unlikely to be spotted by your coworkers, it's not easy to aim. She also stated that she emphasizes to her investigators that she does not want large files emailed of the problems being found and stresses she doesn't need 'twenty minutes of it to know that there is a problem'. Ms. Sweetland stated that the raw footage starts when [REDACTED] pushes the record button and perhaps pushes it a little late, missing the documentation of pulling the bird from the cage. [REDACTED] stated that most times it's not easy to get the deceased bird out of the cage, especially while trying to keep four other birds in and out of the way. Ms. Sweetland agreed with [REDACTED] stating 'that is so true'. Ms. Stormont interjected and stated that battery cages are not designed for easy removal which is why depopulation presents the concerns it does. She stated they are made to 'shove a pullet in there and leave it in there until it's time to depop' and not made for easy removal. I stated the design could also attribute to less birds getting out and loose among the facility.

Ms. Sweetland stated that dead birds that 'were really rough looking' the employees referred to as 'pancakes' while other places refer to them as 'carpet'. She stated that at Hillandale they talked about how your nose could almost lead you to a dead bird and a bird would have to be deceased within the cage for a month or

more, for 'pancake' status. Ms. Sweetland stated that [REDACTED] had a conversation with [REDACTED] in one of the videos where [REDACTED] was referring to some of the bird carcasses being in the cage for months. Ms. Sweetland continued and stated that the undercover investigators are supposed to be 'the best ever employees' and that [REDACTED] was most likely finding the carcasses before they turned into pancakes. She stated that there were an awful lot of pancakes in there from before [REDACTED] started. Dr. Fiske stated that it was possible to see then how it could happen if you weren't being extra consciences about removing the deceased chickens. [REDACTED] readily agreed and then stated that there is no way one person can monitor 90,000 chickens.

Director Hughes asked [REDACTED] what happened with the broken eggs and [REDACTED] replied that they went into the pit. [REDACTED] also stated that the company did not seem too concerned with broken eggs. [REDACTED] stated they didn't want egg jams of course but never said anything about too many broken eggs. Ms. Sweetland asked Dr. Fiske if chickens laid eggs at night and she confirmed they did. Ms. Stormont asked [REDACTED] to explain the lighting within the facility. [REDACTED] stated that [REDACTED] was told the lights went off at 9pm and on at 5am, except for during the molt when the lighting and feed change. [REDACTED] stated that [REDACTED] did not work during a molt but that is what [REDACTED] heard.

I questioned [REDACTED] what the requirements were for amount of birds per cage. [REDACTED] stated that it was supposed to be no more than five per cage. [REDACTED] stated that [REDACTED] asked several people and was given the same answer, because [REDACTED] found more than five birds per cage on more than one occasion. [REDACTED] stated one time [REDACTED] remembered specifically there were seven birds in one cage. The workers would be responsible for removing the extra chickens and placing them in empty cages or cages with only a couple chickens. [REDACTED] stated that as birds die off it opens up cage room to relocate them but [REDACTED] is not sure how they originally got that way. Director Hughes asked when the pullets were populated into the barns that [REDACTED] was working in. [REDACTED] stated that [REDACTED] believed the chickens were [REDACTED] weeks old when [REDACTED] left.

I asked [REDACTED] if [REDACTED] noticed more feather plucking behavior in the cages that were overpopulated and [REDACTED] quickly confirmed. [REDACTED] stated that there are photographs taken, in particular, of the chickens within the over populated cages. I asked [REDACTED] if [REDACTED] noticed the feather plucking diminish once the overpopulated cages were resolved. [REDACTED] stated that it was very difficult to go back and find a particular bird and Ms. Sweetland began laughing. [REDACTED] then stated that [REDACTED] wasn't trying to be funny but [REDACTED] had attempted to go back and find a particular bird or minor problem on occasion and wasn't able to relocate it the following day. [REDACTED] stated a common practice was to put an egg on top of the cage where you want to recheck and if you could find the egg again, you might be able to find a particular bird again. Upon questioning, [REDACTED] stated that [REDACTED] found 6-8 overpopulated cages while [REDACTED] was employed at Hillandale and that it was something [REDACTED] generally just stumbled on, as it was just a sea of white birds. [REDACTED] stated that [REDACTED] didn't make a point of counting birds in cages unless [REDACTED] had a reason to, or there was a problem. Ms. Sweetland stated that she believed there were cages shown with five birds that showed they were 'de-feathered' as well. [REDACTED] agreed and stated that some of the hens are more rambunctious than others and they tried to separate those too. Ms. Stormont added that 'this species of bird has been bred to do one thing at the expense of their psychology' in that that they are 'highly anxious, easily agitated' and make a walk-through of a facility difficult with fast movements. Ms. Stormont stated that they can clump together and suffocate each other as well.

Dr. Fiske asked [REDACTED] what [REDACTED] employment procedure was for encountering a sick or injured bird, such as the chicken with a prolapse that was seen in one of the videos. [REDACTED] stated that most time when [REDACTED] found a sick bird it was essentially too late to help or treat them. Dr. Fiske stated that from a veterinary standpoint a chicken with a prolapse should be humanely euthanized, without debate. Dr. Fiske asked if [REDACTED] was told that by any of the Management staff or if it were left up to the discretion of the barn worker. [REDACTED] stated that the most specific thing [REDACTED] was told was that if they could stand up and lay eggs, they were fine and to leave them alone. Dr. Fiske asked if an employee found a disabled bird that needed to be euthanized and that employee did not feel comfortable performing the cervical dislocation, if was there an option to find someone else such as [REDACTED] to perform it. [REDACTED] stated that it was expected that the employee would 'man up' and just do it. [REDACTED] also stated that [REDACTED] couldn't imagine in having worked there for a month that they would have someone in the barn that would refuse to euthanize a chicken. Dr. Fiske stated that was a good thing. Ms.

Stormont questioned if euthanized birds were part of the mortality count. [REDACTED] confirmed they were and were not a separate recorded number, rather part of the collective daily mortality count. Ms. Stormont stated that it is rare that 'we see any one ever euthanizes a bird, they just always let them expire and that's just the general thing we see time and time again'.

[REDACTED] stated that [REDACTED] did see another employee euthanize a chicken that was bleeding from the leg with a possibly torn spur. [REDACTED] stated that [REDACTED] didn't believe the chicken needed to be euthanized but the employee stated that it would bleed out and needed to be done. Ms. Stormont added that if the criteria for euthanasia were the inability to lay eggs, than were the employees required to watch every bird to see when and if they lay an egg?

Dr. Fiske asked [REDACTED] if Management ever talked to the employees about their mortality rate they were documenting each day. [REDACTED] stated that there was one time where it was stated the rate was 'kind of high' but it was on [REDACTED] day off and that the worker that day had found twenty or so dead birds. [REDACTED] stated that [REDACTED] had heard [REDACTED] talk of other worker's barns and their morality numbers being high, seventy five and sometimes more. Ms. Stormont interjected that the morality numbers probably vary from person to person and it would depend on your accuracy of recording the information. She referred to a different facility where the temperature of the eggs in the cooler was the exact same day after day, without a degree of variance for five years. [REDACTED] stated that subject came up when [REDACTED] was talking with other workers. For example when a worker has a day off and another worker completes their barn tasks, they would have a high mortality count. [REDACTED] stated that [REDACTED] wasn't sure if they were trying to make themselves look better than the regular worker for that barn. A new worker was upset and told [REDACTED] that while [REDACTED] was off the day before the fill in found 15-20 dead birds in his regular barn and was confused how that could happen. [REDACTED] stated that [REDACTED] told the new employee that had happened to [REDACTED] once and directed him to count the number of dead chickens in his barn's mortality bucket. When the new employee did, there was not 15-20 dead chickens so [REDACTED] isn't sure how accurate the counts are being taken as no one typically goes behind the worker and double checks their count. Ms. Stormont hypothesized that the high mortality count days could also be when they fogged the barn for pests or if the worker thought they would get penalized for a high count they would write down a different number. [REDACTED] stated that there were a couple barns that seemed to always have high mortality counts [REDACTED], somewhere in the middle of the complex.

Upon questioning, [REDACTED] reiterated that [REDACTED] was in charge of the [REDACTED] complex and [REDACTED] answered to [REDACTED]. Director Hughes questioned [REDACTED] daily tasks as in one of the videos [REDACTED] is walking barn to barn signing off on clipboards. [REDACTED] stated that [REDACTED] records what the workers write down and is supposed to check food and water and marks some other sections down [REDACTED] is unsure about. [REDACTED] would do these checks 2-3 times per day. In clarification, [REDACTED] stated that [REDACTED] checks to make sure the feeders were moving as every once in a while [REDACTED] would need to bang on the silo with a hammer. [REDACTED] stated that [REDACTED] and [REDACTED] would fight over the hammer and who it belonged to. [REDACTED] stated that in one of the videos another employee had potentially shut off the water in one of the barns and [REDACTED] was mad about it because he didn't know and the workers weren't supposed to do that. [REDACTED] stated the 'scraper crew' was doing that and had it shut off the water to one row of cages. [REDACTED] stated [REDACTED] was unsure why they would do that.

Director Hughes stated that one of the videos documented an employee talking about bleeding the lines for air and questioned [REDACTED] if [REDACTED] ever had to do that. [REDACTED] stated [REDACTED] was not trained to do it but learned later on how to. [REDACTED] then told [REDACTED] that [REDACTED] didn't need to perform that task as it wasn't [REDACTED] job. Director Hughes questioned [REDACTED] if [REDACTED] was asked to perform repairs, and [REDACTED] replied that [REDACTED] was only asked to monitor the waterer nipples and replace as needed. [REDACTED] stated that this was an impossible task to check them all due to the amount of cages. [REDACTED] stated that the general alert that there is a water problem are dead birds, in a particular area. [REDACTED] stated that checking every nipple is not realistic. Ms. Stormont added that it was not possible. I asked [REDACTED] if checking water was one of [REDACTED] daily tasks and [REDACTED] said yes, but [REDACTED] signed off on the 'water flow', 2-3 times per day. I asked [REDACTED] if [REDACTED] knew how this was

checked and [REDACTED] stated that [REDACTED] did not know. Director Hughes asked if this task would be considered a maintenance task. [REDACTED] stated that it was either maintenance or a crew chief task.

Director Hughes asked if [REDACTED] were able to go and observe other parts of the facility, for example where they compost the deceased chickens. [REDACTED] stated that [REDACTED] had only driven by the location as it's too far down a driveway. Director Hughes then asked what happened to the chicken that [REDACTED] had videotaped on [REDACTED] with a prolapse and if it were reported to a supervisor. [REDACTED] amusingly replied 'a specific chicken, I really don't remember'. Ms. Sweetland questioningly repeated '[REDACTED]' and Director Hughes confirmed. Ms. Sweetland attempted to find the video on her computer and Director Hughes reiterated it was a live chicken with a prolapse. Ms. Sweetland asked again for the date of the video as she had forgotten and stated that she had woken up at 2am. Ms. Stormont interjected and stated they were all on roughly three hours of sleep. Ms. Sweetland stated that she wasn't finding the video and [REDACTED] looked on, stating that she was looking at still pictures instead of videos. Director Hughes also stated that there was a video file that contained audio with no video. Ms. Stormont started to reply regarding transferring of the files and Ms. Sweetland asked what the date was for this file, while showing [REDACTED] the video from [REDACTED] of the prolapse. [REDACTED] then stated 'yea, I'm sure that was euthanized'. I asked [REDACTED] if [REDACTED] were the one that euthanized the chicken and [REDACTED] stated that he couldn't remember specifically, but more than likely yes. [REDACTED] stated that [REDACTED] would shut the camera off prior to euthanasia.

Director Hughes asked [REDACTED] if [REDACTED] felt that [REDACTED] had witnessed a crime during [REDACTED] employment at Hillandale. [REDACTED] stated that [REDACTED] doesn't know what Maine's requirements are, or statutes are specifically. [REDACTED] stated that with [REDACTED] history with animal control it is 'usually, generally, food, water, shelter, necessary medical care'. [REDACTED] stated that 'unfortunately they probably had all of those things usually'. Mr. Stormont interrupted [REDACTED] and stated 'to answer his question, do you feel like you witnessed a crime, meaning in your general understanding of what is required'. She continued and stated 'did you witness animals who didn't have food, or water, vet care'. [REDACTED] began to questioningly answer 'intentionally.. and with malice..', while again Ms. Stormont interrupted and stated 'that's not what he asked'. Ms. Sweetland began to laugh and [REDACTED] stated 'no'. Ms. Stormont again interjected and told [REDACTED] that what [REDACTED] is describing is 'a pattern and knowledge is inferred from that'. [REDACTED] stated that it wasn't an ideal situation and they could certainly be taken care of better. Director Hughes asked [REDACTED] if [REDACTED] had worked on a large egg farm like this before and [REDACTED] replied no.

AAAG Randlett asked [REDACTED] if [REDACTED] had described any previous training in conducting undercover investigations before. [REDACTED] stated that [REDACTED] had with HSUS, and AAG Randlett asked if [REDACTED] would elaborate. [REDACTED] stated there was all day training with one of the other long time investigators where they spent all day together and [REDACTED] is familiar with 'what's normal and what's not'. AAG Randlett asked if [REDACTED] kept daily notes or a log/journal type information. Ms. Stormont interjected and stated that part of her work with investigations is that she has the investigators compile and submit notes for her own edification that are considered attorney-client communications. Ms. Stormont stated that they exist but as a pattern of practice do not share them.

AAG Randlett asked [REDACTED] if at some point [REDACTED] prepared a final report or a summary of findings at the completion of the investigation. Ms. Stormont stated that 'they' sometimes do a 2-3 page summary but in this case they did not. AAG Randlett referred to a letter that was sent and stated that it contained a lot of findings and reference regarding conditions. AAG Randlett asked how this letter was prepared. Ms. Sweetland stated that she had written it and asked if he was referring to bullet points. AAG Randlett clarified that the letter was sent to Agriculture Compliance Supervisor Matthew Randell, State Veterinarian Michele Walsh and Director of Animal Welfare Liam Hughes. Ms. Sweetland stated that the letter was prepared by an Attorney based off from [REDACTED] notes and her own summary. AAG Randlett asked what information was relied upon in writing the letter and if it was a combination of the notes, videos and/or photographs. [REDACTED] stated that [REDACTED] did not know because [REDACTED] did not write it and it was written after [REDACTED] had finished his investigation. Ms. Sweetland stated that it was from the notes, videos and some from her own online research including past Decoster activities. Ms. Stormont stated they all tend to converse by phone and if Ms. Sweetland has questions

she might inquire with [REDACTED]. Ms. Sweetland stated that [REDACTED] is working all day at this egg farm and then has to put all of [REDACTED] notes together to be contemporaneous.

AAG Randlett stated that the reason he is asking was to the extent that there are allegations of animal cruelty and those conditions may not be duplicated if Animal Welfare conducts their own inspection and a District Humane Agent were to not see the same findings. AAG Randlett stated that the cruelty cases in Maine are prosecuted through the District Attorney's office, not the Attorney General's Office so there would be some reliance of their undercover observations. AAG Randlett asked that if enforcement action were to be pursued in the State of Maine would they be able to testify in court. [REDACTED] stated that [REDACTED] is not an employee, but a contractor. Ms. Stormont stated that they would fully cooperate and be glad to do so. AAG Randlett asked if at that time, would the notes that were created on a daily basis outlining the observations made be available to the State. Ms. Stormont stated that typically those are things that are negotiated with a subpoena based on what the Prosecutor wants and doesn't want. Ms. Stormont continued that HSUS has done that in some cases under the very strict confidentiality rules that she sets forth in her letter, but they would fully cooperate with law enforcement to any extent. AAG Randlett emphasized that he could see that it might be necessary for us to see the daily notes by [REDACTED] would very important for a prosecution and Ms. Stormont agreed, stating they would be vital. Ms. Sweetland added that is why they do it and why she insists they are written every night and is not something you can negotiate. AAG Randlett stated that they may be discoverable information in the State of Maine. Ms. Stormont replied that she is sure they would be which is why if law enforcement is proceeding they have them and would cooperate. AAG Randlett stated that he did not want to give the inference that the State would definitely be proceeding with prosecution, as he is not the one to prosecute these cases, rather there are a 'couple levels' as Animal Welfare initially starts with their investigation. Ms. Stormont asked if we then continue based off of a referral. I replied that is based off of what we find in our own investigation.

AAG Randlett asked for more clarification in regards to the inference in the letter of pollution. Ms. Sweetland stated that [REDACTED] had referred to the surrounding wet areas being polluted with chicken manure. Ms. Sweetland then stated that 'Amanda must have looked up the EPA' and that someone was out there taking photographs, so she sent [REDACTED] out to look at the surrounding area to see if there was anything 'noticeable'. [REDACTED] stated that someone was already out there testing and Ms. Stormont interjected and stated that would not be surprising. Director Hughes asked if that was the last video and [REDACTED] confirmed, stating it was 'pretty much dried up' at this point. Director Hughes stated that he was wondering what they were looking for. [REDACTED] stated it was swampy area and AAG Randlett confirmed it is wetlands. [REDACTED] stated that it was a creek but we didn't get enough rain. Ms. Stormont stated that 'when it is this old and this poorly maintained it's not uncommon for any sort of navigable waterway that is adjacent or for the aquifer to become-' and without finishing her sentence [REDACTED] interrupted and stated that [REDACTED] is sure in the video that someone, some agency, had been testing some of those creeks for a period of time.

AAG Randlett stated that he is just trying to figure out if the Department of Environmental Protection needs to be aware of this or maybe they already are. Ms. Sweetland then asked if we had performed a 'Westlaw' online search of Decoster's violations, more specifically for environmental crimes. AAG Randlett redirected and stated that he just needed to know if there was something specific that was observed, such as runoff of manure piles next to a wetland, as it was mentioned by [REDACTED]. Ms. Sweetland stated that she wished they could have seen the composting and Ms. Stormont stated that there may be some follow up records requesting they may submit regarding that testing to see if anything can be learned. Ms. Stormont also stated that she had a few other concerns and was unsure if they would fall within the District Attorney's office as they are unrelated to the animal welfare issues. Ms. Stormont continued that they are different types of crimes, such as insurance fraud. AAG Randlett stated that if they had some information he would be happy to hear it as the Attorney General's office would prosecute those sorts of things. Mr. Stormont stated that she needed to perform some internal follow up. AAG Randlett concluded, and reiterated, that when something like pollution is mentioned in a letter he wanted to make sure there weren't observations that required a follow up.

AAG Randlett continued the same is true in regards to the allegations these eggs are adulterated, and therefore possibly harmful for consumption. AAG Randlett asked if that allegation was based off just the

observations of the conditions inside the barn or if there is anything else specific where that statement comes from. Ms. Sweetland stated 'no' and that is based on the observations and the fact that these conditions were a lot like the conditions of Mr. Decoster and Orland Bethel's Iowa facility that caused the recall. Ms. Stormont stated there is a consistent theme that emerges from the employees that were there when Mr. Decoster was operating the facility before it transitioned to Hillandale management. Ms. Stormont stated she is unsure when that happened but sometime within the past year, she believes, and they complain about being promised that things would be different, changes and improvements would be made and that Hillandale is not living up to those promises. Ms. Stormont continued that it is clear there is no investment in infrastructure going on thus making it relevant to the statement that the property they took over is pretty much the same in dilapidated condition, even yet worsened.

Ms. Sweetland added that the Moark lease was shorter than they intended it to be and asked if anyone knew if that was accurate. [REDACTED] stated that the facility has changed hands several times. Ms. Stormont interrupted that Moark wanted out and as soon as they were able to, they did, and may have cut their lease short. Ms. Stormont continued that the Eastern Division was their last corporate asset as they were exiting the egg industry. Ms. Sweetland asked if it would be far-fetched to think that Mr. Decoster might have buried an entire truckload of eggs to make a false insurance claim. AAG Randlett stated that he would not know and Ms. Stormont stated to Ms. Sweetland that they needed to talk about that more as they need to get a better handle on what they do, and don't know about that. Director Hughes redirected and stated that this meeting is in regards to the observations of [REDACTED] investigation and we don't want to get side tracked from that.

Director Hughes asked why there was delay from the time the investigation had ended and when it was reported to the State of Maine. Ms. Stormont responded that they are very cautious before they would ever release anything and make such serious allegations against a company. There is a careful review process that is performed internally and there is always a lag time between that and the 'finalization of the release'. Ms. Stormont continued that they try to do the investigation as expeditiously as possible because all while that's happening, you know these things are continuing. As a matter of their own due diligence, Ms. Stormont stated, they don't make claims they cannot substantiate and have one, two or three attorneys review the material and the process takes time. Ms. Stormont stated that like any other undercover investigation, such as narcotics or anything else, it's just time consuming to review footage and transcribe conversations. Ms. Stormont stated that she was out of the country with this investigation, so she was not the one to compile and submit this report, but always as a courtesy would provide notice to the law enforcement agencies that they believe would have jurisdiction. Ms. Stormont stated that in this case we were all included as well as the FDA but does not know what additional liaising occurred, as that is something she would normally handle.

I stated the way our program normally works is that complainants would contact the Animal Welfare Program main office and/or submit the first hand information they have and in turn a complaint report would be submitted to the District Humane Agent with jurisdiction to the area. I stated that since this complaint was made public, via a Press Release, before we were notified it hinders the investigation process that would have been performed. I asked why we were not notified prior to the Press Release. Ms. Stormont stated that she could not speak directly to that issue except it is generally a timing matter. Ms. Sweetland added that there were so many people involved in this and once they know they have done 'due diligence' on their end, the 'campaign' is told and they can go whenever they want to. Ms. Sweetland stated that it is really the campaign's 'product' after the review process is completed, that is lengthy and they all complain about it. Ms. Sweetland then contradicted her previous statement and said that if there is another investigation in Maine then she will certainly make sure it's not released before we have a chance to perform an investigation. Director Hughes stated that it hamstrings the investigators and alerts the accused, which in turn they have the ability to start rectifying violations.

Ms. Stormont stated that they always want us to have the ability to do the investigations but in the past which almost always happens is they come to us first; give us all the information and then it will be six months to two years before they received a grand jury indictment. Ms. Stormont continued that they get 'hammered' with 'you let this happen, you didn't release this, you knew about this' which leaves them in a difficult position when they go to law enforcement first and then wait for permission to release. Ms. Stormont stated that the



public comes at them hard and Ms. Sweetland added that their membership comes at them hard. Director Hughes stated that we receive a lot of the same criticism. Ms. Stormont added that they try their best to harmonize everything but that it is always a problem. She continued that they have also had problems with State Agencies, such as Tennessee, leaking to the source which is a huge problem. Ms. Stormont stated that she works in the South East and related it to the Dukes of Hazard, in that going to the Sheriff or District Attorney is as good as going to the 'target' and that its literally a direct line. Director Hughes stated that there are multiple Agencies involved and we would have liked to have had this sooner.

I stated that our general practice is that facility inspections are performed unannounced as we like to observe how they are functioning on a daily basis. [REDACTED] stated that with their facility and how it is built, the age of the cages, it won't ever be right and I don't see how you could ever go in there and not see something, no matter how hard they tried. Ms. Stormont agreed with [REDACTED] and then apologized for the public release and if it hinders our investigation. She then stated that in the future they will do better.

Prior to conclusion of the interview, Ms. Stormont stated that we could contact her with any questions, she will get us copies of the still photographs that were taken and they are standing at the ready to assist in any way.

On 5 July 2016 at approximately 1718hrs I received the forwarded email from Director Hughes that Ms. Stormont had sent on 1 July 2016 that contained the investigator's log notes taken during the investigation, as an attached PDF file.

Due to scheduling conflicts, finally on 26 July 2016 Animal Welfare Program and State of Maine Veterinarian Dr. Rachael Fiske and I arrived at the Hillandale Farm located at 272 Plains Road in Turner. After checking in with the main office we contacted Mr. Hagy by cellphone and he stated that he would be there in approximately twenty minutes. Dr. Fiske and I were escorted by an office associate to a large conference room while we waited for Mr. Hagy to arrive. Approximately twenty minutes later Mr. Hagy, along with Mr. Howard, invited us to his office for the meeting.

I stated our reasoning for being at the facility in regards to the complaint we received as well as the documented video footage. Mr. Hagy stated that he is supportive in accommodating our Agency with whatever we need to conduct our investigation. I stated that Dr. Fiske and I had both watched the undercover video footage that was received and the main focus was attributed to the deceased chickens within the cages. Mr. Hagy stated that it was one of the undercover investigator's daily tasks to remove the deceased chickens from the cages, in which a delay could have been chosen with removal that would result in a more decayed carcass. I stated that I understood his concern and agreed that it was possible. I stated that the video footage appeared to show problems stemming from personnel training, frequent turnover and the need for tighter conformation to the best management practices of the facility.

Mr. Hagy asked if he could receive a copy of my report and I stated that once the case is closed a copy of my report can be received through a FOAA request. Mr. Hagy stated that he understood and would file accordingly. I stated that we were responsible for investigating both sides of the complaint and would like to visually inspect one of the barns at random to assess its current operating conditions. Mr. Hagy readily agreed and asked us where we would like to go and that Mr. Howard would escort us there. Dr. Fiske and I requested to inspect barn 51. Prior to leaving the office Mr. Hagy gave both Dr. Fiske and I his contact information, we thanked him for his time and made our way to the barn.

Mr. Howard provided Tyvek suits for Dr. Fiske and I, which we put on prior to entering the barn. We walked through an egg processing room on the way to barn 51 that appeared to be clean and in observable good working order, with a handful of employees involved with their tasks. As we entered the barn there were no current obvious signs of rodents (alive or deceased) along the egg conveyor, the isle way or within the cages I was able to visually inspect. The barn was light and we were able to visually see to the other end of the barn. We continued to walk down one of the isles, slowly as the chickens were a bit startled by a group of three people in white, Tyvek suits. The cages that I randomly observed contained five or less chickens, working water nipples, accessible feed and no carcasses contained within the cage. I did not observe any chickens that were stuck within the housing, although Mr. Howard stated when we got back to the front of the barn that he unstuck

a wing of a chicken he observed during our walk through. The cages I observed did not appear to have sharp, broken wire; however I was only able to visually inspect a very small portion of cages within the barn.

The floors were clean, with no signs of egg jams or manure piles at this time. I observed the daily task clipboards at the front of the barn that had been initialed accordingly and we made our way out the opposite door. Mr. Howard showed us the temperature gauges that were in the low 80s and asked us if we would like to tour another barn. Dr. Fiske and I both concurred that we did not need to observe another barn and thanked Mr. Howard for his time. Mr. Howard escorted us out of the barn, agreed to dispose of our Tyvek suits for us and thanked us. Dr. Fiske and I then left the property.

At approximately 1505hrs I received an email from Director Hughes with a forwarded attachment sent to the Maine Department of Agriculture Director of Communications/Special Projects John Bott. The email, forwarded from Sun Journal Staff Writer Ms. Kathryn Skelton asked questions regarding the date for the most recent State inspection for the Hillandale Turner barns, along with other inspection protocol. Writer Skelton stated that she was working against a 4pm deadline.

On 11 August 2016 I met with Director Hughes, Dr. Michele Walsh, Dr. Bergeron, Dr. Fiske and Director Ann Gibbs. The meeting had been requested by Director Hughes to obtain a current summary of findings so that a synopsis could be provided to the Commissioner. I briefly described what I had observed during the interview, as well as within the videos and the site visit with Dr. Fiske. I asked Dr. Bergeron to explain his process during an inspection and he stated that he would arrive, unannounced and inspect a barn at random. He stated that the personnel at Hillandale are always courteous and open to his inspections. He also stated that the facility is currently being leased and the management is not going to invest a lot of money into improvements. I stated that in response to the undercover investigation and press release put out by HSUS prior to our ability to be notified and perform our own investigation; it hindered our usual complaint process. I stated that I would be consulting with the District Attorney to review the case moving forward.

I also received a packet from the Animal Welfare Program office that had been sent by HSUS. The letter inside signed by Ms. Stormont was dated for 11 July 2016. The packet contained items that were requested and questions that were left unanswered during the interview with [REDACTED], Ms. Sweetland and Ms. Stormont on 23 June 2016 including: a USB storage device with still photos taken by [REDACTED], a packet of papers given during [REDACTED] orientation at Hillandale, product information and labeling for [REDACTED] granular bait, a copy of United States Court of Appeals- appellate case 15-1890, an online CBS Money Watch article entitled "Court backs jail for Iowa egg executives in salmonella case", and an online WCSH News Center article entitled "Humane Society: Hens found in deplorable conditions following investigation into Maine farm".

Ms. Stormont reiterated the request that these materials be treated as confidential and protection from the public disclosure as materials exempt from the mandatory disclosure under Maine's Freedom of Access Act. Ms. Stormont also stated that if disclosed, could jeopardize the normal business operations of HSUS by leaking trade secrets and could also jeopardize the health, welfare and security of any and all cooperating individuals, including HSUS' investigator.

I was able to finally review the still photographs along with the investigator's daily log notes to get a better understanding of what the short video clips had attempted to convey. In general, the annotations complemented what was disclosed during the interview and observed within the raw video footage, such as hens stuck within the cages, deceased chickens and inappropriate/unsafe housing. There were also some other annotations that were not highlighted during either the interview or raw footage. Some of these included:

- On work day 5 [REDACTED] asks [REDACTED] about a dying hen as this was [REDACTED] first encounter with one. [REDACTED] stated that the rule of thumb is that 'if you get them free and they can't stand back up, they need to be euthanized'.
- It is noted that there are underlying themes including Hillandale's perceived indifference to maintenance and repairs, lack of decent help and the condition of the machines in general.
- On work day 6 [REDACTED] finds a hen with her leg stuck in the wire cage bottom and 'seemed pretty bad off'. In an effort for another euthanasia lesson, [REDACTED] showed [REDACTED] a cervical



- dislocation on a hen with a bleeding spur. [REDACTED] decided that [REDACTED] bird seemed a little more active when [REDACTED] returned so [REDACTED] planned to monitor throughout the day and see how she is tomorrow.
- [REDACTED] provided maintenance to the barn and changed 20+ lightbulbs
  - There was no mention of the chicken previously in distress that had been left the prior day and if [REDACTED] was able to find that particular bird again to see if euthanasia was needed
  - [REDACTED] stated [REDACTED] found many dead birds while covering for another barn worker in [REDACTED] chicken house and that some of the carcasses had been there for weeks or months.
    - During the interview [REDACTED] had implied that workers would sometimes increase the number of mortalities they found to 'make themselves look better'. It is unclear if this is one of those instances
  - Several cages contained six chickens and one had seven chickens in it that were squabbling and seemed frantic. Policy of bird count per cage was checked with [REDACTED], [REDACTED] and [REDACTED] that all confirmed there should be no more than five per cage. Two chickens were moved to other cages by [REDACTED]
  - Image HLDL42916img9 captioned 'a hen just looking sad' and Image HLDL42916img32 captioned 'hen with a terrified look'
  - An image of a completely detached leg found in an empty cage below a waterer leak that was brought to [REDACTED] attention and fixed
  - On work day 12 ([REDACTED]) 'maintenance work' continued on both of the barns to which [REDACTED] was assigned to. [REDACTED] stated that [REDACTED] wasn't sure what the 'motivation is all of a sudden' but they have been working on the 'sleds' that remove the manure from the bottom of the cages. [REDACTED] annotated that there were three men in barn [REDACTED] and four in [REDACTED] running new cables the length of the barns and working 'furiously' to get them repaired.
    - During the interview [REDACTED] stated that [REDACTED] had not seen or met any maintenance personnel the entire time [REDACTED] was employed at Hillandale
  - Two water nipples had been removed leaving water to run freely from the pipes between the top and center rows that normally feed the nipples for the center row. [REDACTED] replaced the missing nipples with two [REDACTED] had 'in [REDACTED] pouch' and documented the soaked chickens in the associated cages. When [REDACTED] asked the maintenance workers about it they stated that it helps to soften the hard manure in the pits.
  - After lunch, two water nipples in a different location had also been removed and [REDACTED] 'kept an eye' on them until approximately 1430hrs. Finally asking [REDACTED] about it, [REDACTED] was instructed to replace them and appeared angry about it.
  - On work day 13 ([REDACTED]) maintenance workers (five of them) continued working on the 'sleds' that remove the manure from the cage bottoms as the feces continues to pile up on the 'dropping boards'. The maintenance men continue to remove water nipples, insist it is necessary and [REDACTED] protests went unheard.
  - Video and photographic documentation of a hen with a very bloody hind end. There is no annotation of whether or not this hen was euthanized by [REDACTED] when [REDACTED] found her.
  - Four maintenance workers continued for the third consecutive day ([REDACTED]) working on the manure 'sleds' that have been faulty and causing the manure sludge to be pushed up and out over the sides of the manure pit, also removing water nipples that they insist is necessary. Also, the maintenance workers were smoking cigarettes and talking on cell phones, both of which are prohibited.
  - Rumor that a Veterinarian, first name Jesse and is familiar to other workers, has been hired to take over rodent control. [REDACTED] 'understands' that a rodent problem caused the Leeds, ME location to close down and then black mold took over which closed it for good. [REDACTED] had been told to

stomp and kill any mice, including babies that [REDACTED] might see by some of the other workers, as well as Mr. John Howard Jr., the Production Manager's son.

- Fly fogging happened within barn [REDACTED] yesterday, which left literally millions of dead flies all over the barn floors immediately afterward, as well as more this morning. [REDACTED] was told (unknown by who) to stay out of the barn for only five minutes and [REDACTED] contradictingly told [REDACTED] it was 'very bad stuff' and to stay out at least fifteen minutes or more.
- [REDACTED] annotated a new Maintenance man, [REDACTED], taking [REDACTED] place while he had the weekend off. [REDACTED] stated that [REDACTED] did a good job and the machines ran well 'for the first time in days'. There was minor flooding in the back of barn [REDACTED] and maintenance was able to track down the problem in a few hours and was told that if it didn't subside in a couple days than to let them know.
  - It was annotated on [REDACTED] that there was still water at the back of the machines and is 'another example of the disregard for maintenance in these barns'. If this is the same pooling from [REDACTED] and had not subsided in the following couple days after, there is no mention if [REDACTED] let the maintenance crew know, as instructed. If this is a new pooling, there is no indication that the Maintenance personnel were notified.
  - Water pooling still an ongoing problem on [REDACTED]
  - [REDACTED] returned from [REDACTED] to [REDACTED], replacing '[REDACTED]' who moved to another area and all of a sudden the pooled water was gone.
- [REDACTED] stated that dead mice are swept directly into the pit and become part of the fertilizer byproduct. A picture of the product [REDACTED] granular bait, that states it is granular fly bait used in and around residential, commercial and agricultural structures to control house flies.
- [REDACTED] was made aware of an 8-10ft section of cages that were missing dropping boards, in turn causing the lower housed chickens to be defecated on by the upper cage. [REDACTED] stated that he would deal with it the following day.
  - [REDACTED] reminded [REDACTED] again the following day as they were still not replaced.
  - Dropping boards still not replaced on [REDACTED] and made [REDACTED] aware, [REDACTED].
  - [REDACTED] asked [REDACTED] about the missing dropping boards and he stated that he had removed them a year ago and thought it was funny the bottom chickens were being defecated on.
  - [REDACTED] ran into another [REDACTED] man that [REDACTED] had never seen before who was working on some boards, asked him about the missing boards and he replaced them immediately.
- A chicken was pulled from the manure pit and auger just as [REDACTED] was starting to pump manure out of the building, brought it to [REDACTED] stating that it surely had broken wings and legs and probably needed to be euthanized. [REDACTED] brought the chicken to the back of the building where she became increasingly more alert, was placed back into a cage with two other hens where [REDACTED] felt she made a full recovery.
  - This practice may not be following the Hillandale Standard Operating Procedures and a hen that has been into the manure pit could potentially be at risk for spreading disease to the rest of the house. It is unclear what the employees were instructed to do when a chicken were to get loose and/or fall into the manure pit.
- Image HLDL051716img19 is of a posted Hillandale Document stating 'For all emergencies and issues in all locations, the first call any employee should make is their immediate supervisor. If that supervisor is unavailable, the following list and call order should be followed. In house call list:' There were names and numbers associated for Production, Processing, Feed, Facilities, Shipping and Receiving, and four other names and numbers if your supervisor were unavailable. Those included

EHS Specialist Mr. John Flanders, HR Coordinator Ms. Wendy Godwin, Director of Operations Ms. Gwen Gruver and General Manager Mr. Skip Hagy.

- [REDACTED] was told there was a water supply problem to two of the cages on Wednesday night and seven birds died in the effected cages. Rumor was that barn [REDACTED] lost thirty six birds that night as well and [REDACTED] suspects the Scraping Crew has been removing the water nipples and not replacing them in that barn, particularly [REDACTED].
- Mouse bait stations contain a product called 'Bait Block' and [REDACTED] documented that the labeling stated it was toxic to animals and can be to animals (and birds) that may eat the poisoned rodents

The Hillandale Farms Conn, LLC Orientation Welcome Package contained a list of Supervisor Contact Information for areas of Human Resources, Environmental Health and Safety, Facilities and Maintenance, Processing Plants, Production Barns, and Shipping/Receiving. The packet also contained a Biosecurity Alert memo for pathogenic avian influenza awareness, a phone list for 'Call-Off' phone numbers, as well as company policies such as harassment, attendance requirements, progressive discipline, workplace violence, scheduled breaks, camera/phone/video, benefits, overtime and leave of abscess policies. Also included was an eight page Employee Safety Orientation Guide, benefits and insurance application forms. It was also stated during the interview with [REDACTED] that Hillandale gave all of their employees two dozen eggs per week, of which [REDACTED] stated [REDACTED] donated to the local food bank.

The labeling and product information for the [REDACTED] granular bait was consistent with that photographed by [REDACTED] on [REDACTED] and labeled as HLDL051316img26. The observable differences were that the printout from HSUS was for a 4 pound tub with product ID 55686 and the tub photographed during the investigation was 28 pounds with product ID 55781. It appears to have the same active and 'other' ingredients, along with the same EPA registration number of 100-1541. User safety recommendations included washing hands before eating, drinking, chewing gum, using tobacco or using the toilet. It is included within the Application Use Sites for outdoor areas of agricultural animal production facilities such as poultry/broiler houses and walkways of caged layer houses. It also stated under this section that use of indoor areas at all of the above use sites is permitted only if is placed in bait stations, with the exception of walkways within caged layer houses. It is also stated under Specific Restrictions that indoor use as scatter bait is permitted only in caged layer poultry houses, and Use Restrictions states to not place bait in areas accessible to food producing animals or animals being grown for food.

Ms. Stormont stated in her letter that the bait is used against its labeled directions and 'it appears clear the insecticide is being used contrary to the explicit warning supplied by the manufacturer'. Ms. Stormont continued that the failing infrastructure, dilapidated cages, along with the design of the cages 'guaranteed cross contamination with the hen's feed'. However, on [REDACTED] stated that the granular bait is broadcast by hand from pail, sparingly on the walkways and dropping boards. [REDACTED] stated that during [REDACTED] training with [REDACTED] was instructed to try and keep it away from the birds, and although there was this cautionary statement, the practice of applying the bait as scatter to the dropping boards would be an off-label practice.

Also stated in Ms. Stormont's letter was in reference to the back dated court documents and news articles enclosed within the packet. Ms. Stormont stated her intention was to show pattern of practices where Hillandale knew or should have known that portions of the Hillandale Turner, Maine facility and its failing infrastructure were so substandard that unlawful cruelty was endemic and unavoidable. Ms. Stormont referenced that this should have been evident by a 6 July 2016 court appeal to impose prison sentences for Mr. Jack and Peter Decoster for conditions within an Iowa facility, including the related online news article, and stating that Hillandale should likewise be charged with cruelty to animals because the 'conditions and confinement are similar to those documented in 2009'.

Finally, Ms. Stormont recited sections of the Maine Animal Welfare cruelty statues and areas where she felt the Hillandale facility had made violations. Her notes included deprivation of necessary sustenance and

proper shelter, specifically when the hens were stuck within the cage wire and the chronic water leaks from employees pulling off water nipples, resulting in soaking wet hens.

Ms. Stormont argued that the Hillandale facility had deprived the hens of necessary medical attention due to the hens found with uterine prolapses and 'other untreated wounds'. Her supporting facts for this argument were the hens found during [REDACTED] undercover investigation. Also, that the hens were deprived of humanely clean conditions due to the 'rotting carcasses of long-dead birds, manure sludge rising up from the pit below into the aisle and birds soaking wet due to water leaks.

In response to Ms. Stormont's cruelty allegations, during the interview on 23 June 2016 [REDACTED] stated that [REDACTED] was told by [REDACTED] on a couple occasions, along with numerous other people, that as long as the chicken can stand up and lay eggs to just leave them alone. Later during the same interview, [REDACTED] stated that most times when [REDACTED] found a sick bird it was essentially too late to help or treat them and that it was expected that the employee would 'man up' and just do it (the euthanasia). [REDACTED] also stated that [REDACTED] couldn't imagine having worked there for a month that they would have someone in the barn refuse to euthanize a chicken. [REDACTED] also continued that [REDACTED] saw another employee euthanize a chicken that was bleeding from the leg with a possibly torn spur and noted within the investigator log a bit differently in that [REDACTED] stated that the rule of thumb for euthanasia is that 'if you get them free and they can't stand back up, they need to be euthanized'.

Contradicting, it was also noted on work day 6 that [REDACTED] found a hen with her leg stuck in the wire cage which [REDACTED] believed 'seemed pretty bad off', yet [REDACTED] decided to place the hen in a cage where she seemed a bit more active but there was no mention of rechecking this hen the following day and if euthanasia was performed. During the interview, [REDACTED] was a bit amused with my questioning of checking on an exact hen the following day and insinuated it to be an impossibility, yet [REDACTED] had intended to do just that with no follow up notation for this particular hen. Also, in comparison there is video and photographic documentation of a hen with a very bloody hind end with no annotation of whether or not this hen was euthanized by [REDACTED] when [REDACTED] found her. Hillandale is relying on the daily duties of the employee in conjunction with their educated discretion, to identify sick or injured chickens and humanely euthanize using the cervical dislocation method. It would be employee error to stray from the State of Maine Best Management Practices for Poultry Facilities of More than 10,000 Birds, that states 'sick hens and hens suffering from injury such as open wounds, fractures or prolapsing of the vent are segregated and treated without delay or humanely euthanized' in which more precise Supervision would be necessary to ensure the workers are performing their daily duties correctly and complying. Compliance with this standard operating procedure also reflects the State of Maine Animal Welfare Statute 7 § 4014 that states 'no person owning or responsible for confining or impounding any animal may fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof'. An affirmative defense for Cruelty to Animals 7 § 4011 is listed in that 'the animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the department'. Overall, if the State Best Management Practices are being followed there is no violation associated with animal cruelty.

In response to Ms. Stormont's reference of the manure sludge 'rising up from the pit below' being indicative of a violation of humanely clean conditions, it was noted by [REDACTED] that during this episode there were four maintenance men working their third consecutive day to rectify the problem. This did not appear as general practice and operation standards.

With that said, mortality was documented by [REDACTED] and generally due to the chicken's head, feet or wings stuck or by an undetermined cause. It was also documented that a lot of the work day was spent 'rescuing' the chickens with various body parts stuck within the wire cages, in specific one with their comb impaled through a broken piece of pointy wire. Faulty, unsafe cages were documented by [REDACTED] in HLDL042716img3, HLDL050416vid3, HLDL050416img10-14, HLDL050616img37, HLDL050716img18-19, HLDL050816img18, HLDL050916img24-25, HLDL051116img15-18, HLDL051316img20-21 that resulted in injuries or mortalities. State of Maine Standard Operating Procedures states under 1-H Equipment and Installations: 'All equipment and fixtures have been selected, installed and maintained to optimize the well-

being of flocks, including but not limited to ventilation, feeding, water supply, lighting, nests, litter, slats, perches, electrical connections and alarm systems. Cages must be kept in an adequate state of repair to contain birds and will be inspected prior to a new flock being housed'. It is also stated under 2-B(2) Environment: 'No sharp edges or protrusions likely to cause injury, distress or impalement of birds' and 2-B (3) states 'Absence of projections, damaged partitions, live electrical connections or electrical leakage which could injure the hens'. As there are multiple examples of chickens being caused injury, distress or impalement from the faulty wire cages, they are not in compliance with the Best Management Practices and therefore do not fall within the affirmative defense exemption for Cruelty to Animals statute 7 § 4011 1.E. The violations states that the animal has been deprived of 'necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions'. In detail, Proper Shelter is outlined in detail under 7 § 4015(3) A and states 'the housing facilities should be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal'.

On 22 August 2016 at approximately 1506hrs I contacted Dr. Fiske to inquire relatively how long a chicken stuck within the cage, depriving itself of food and water, would take to perish. Dr. Fiske stated that she would definitely think that a bird stuck overnight could easily die.

Documented within the investigator log, [REDACTED] had annotated the mortality count for his work day. On average, the mortality logged for a two barn day mortality total was approximately five deceased chickens/barn every twenty four hours. It was stated that a full barn housed 45,000 chickens but others could be 'lighter' in population with 35,000 chickens. Outlined within the State of Maine Best Management Practices for Poultry Facilities of More than 10,000 Birds it is stated that "if the mortality level in a house is in excess of 0.5% in a 24 hour period, an investigation is made and a veterinarian is consulted if necessary". In calculation, 0.5% of 35,000 chickens are 175 mortalities/24 hours. The documented mortality rate of five chickens per day is thus extremely below this limitation.

On 1 September 2016 at approximately 0845hrs I emailed the Assistant State Veterinarian that conducts the facility inspections for Hillandale, Dr. Justin Bergeron. I asked Dr. Bergeron if he had confirmed during his inspections the application of the [REDACTED] bait product and/or instruct their employees how to apply it. I also asked in correlation with the State of Maine BMPs section 1-H, if he had documentation with the required records as to who inspects the cages prior to a new flock/repopulation, in particular barns [REDACTED]

On 2 September 2016 at approximately 1523hrs I received a response from Dr. Bergeron stating that as long as the birds cannot eat the fly bait, the application is acceptable. He stated that he has verified how they recommend the use of the product throughout the Turner facility, though he has not been privy to any in house conversations directly from a Manager to staff. Dr. Bergeron also stated that every barn is inspected prior to repopulation and records are sent to us (State of Maine) and likely kept at Hillandale. He stated that, if he remembers right, these were older birds (more than 6 months in lay) so he did not have the actual inspection reports for those barns in his files.

On 6 September 2016 I contacted District Attorney Andrew Robinson requesting a meeting to review the case.

On 7 September 2016 at approximately 1100hrs I met with DA Robinson and ADA Lisa Bogue. We reviewed my case file and the additional information that I needed to inquire about. ADA Bogue requested a copy of the entire file that she would review and she would contact me so that we could meet to discuss it further.

On 8 September 2016 at approximately 1112hrs I emailed Dr. Bergeron requesting a copy of the BMP record compliance check list, as well as the records for the last few inspections that were done there.

At approximately 1224hrs Dr. Bergeron replied stating that he had attached a copy of the compliance check list and that the only full BMP compliance check he had performed was on June 2016 and the report was attached. He stated that he utilizes the checklist although he does not write on it as he utilizes his notebook and then all of the notes are compiled into a final report. Dr. Bergeron stated that he finds this has more meaning to the producer than the checklist. He stated that he had attached the previous BMP check also (July 2015) that

was before he was hired, and the one performed on January 2016 that was completed by Dr. Walsh and Dr. McEvoy.

I reviewed the Compliance Records inspections that were received. On 21 July 2015 Dr. McEvoy had utilized the compliance check list and I observed that the section reflecting section 1-H of the BMPs did not accurately reflect 1-H and 2-B (2), those sections that were to keep records of and perform inspection of cages prior to repopulation and that the cages kept within the housing system with no sharp edges or protrusions likely to cause injury, distress or impalement of birds. I then reviewed the report compiled by Dr. Bergeron from a 20 June 2016 inspection. The report stated that Dr. Bergeron visited barns 43, 45, 47, 22 and 23 with no major findings and 'only one observation was noted with on the spot corrections made'. Dr. Bergeron went on to state that the barns were in full compliance and due to time constraints he would return on 29 June 2016 to do the records review portion on the compliance check. On that date it was annotated that all records were found to be in order and that the in house records review would continue on an annual basis and the site visits would continue to be unannounced and happen several times a year. Dr. Bergeron stated that the barns he had inspected were in compliance with Maine's BMP of Poultry Facilities of More Than 10,000 birds and the records were in order and up to date.

At 1352hrs I emailed Dr. Bergeron as well as the State Veterinarian Dr. Michele Walsh and Assistant State Veterinarian Dr. Rachael Fiske. I inquired as to who had compiled the original checklist that is being used as under section H that should be reflected as cages and inspections prior to repopulation, there is annotation of power supply and employee training instead. Also, I stated that in the previous email he had stated that records are sent to us (State of Maine) as to who inspected the barn prior to repopulation and inquired if these records could be sent to me. I stated that the checklist also did not reflect the BMPs for section 2. Environment B. Buildings for broken/damaged cages, ammonia, inaccessibility of toxins, visibility of hens and emergency procedures. In contrast, the checklist instead focuses on population numbers, hatching date, housing date, etc. I stated that on Dr. McEvoy's inspection checklist from 21 July 2015 I observed that she had written in a separate Pullet Summary Spreadsheet that is kept by Kaylene Dolloff, and this information seems more of what is listed on the checklist and not on the BMPs. I asked if these items under the referenced sections were in fact checked during the inspections. I also asked Dr. Bergeron what the observation was that had been noted on 20 June 2016 with the on the spot correction, and if this was the only time he had been there to perform an inspection.

At approximately 1452hrs Dr. Bergeron replied stating likely Dr. McEvoy or Dr. Hoenig compiled the first checklist and that he does not have the inspection reports for those barns as these would have been done before he was hired. He stated that it is important to note that the checklist is only one of the tools he utilizes during an inspection, as he also has a copy of the BMPs with him that he goes over. Dr. Bergeron continued that the checklist itself is more, though not exclusively, for the records needed to complete a BMP audit. He stated that this is the only inspection he has done with a completed records review though he has been on the facility multiple times since he was hired in February 2016. During each visit he states that he is doing on the spot checks on the BMPs as written. Dr. Bergeron stated that the observation made during the inspection was one of the 20+ rodent traps he checked appeared to have missed in the most recent clean out. He then stated that if I would like to know more about the inspection process he would be happy to have a face to face meeting with me.

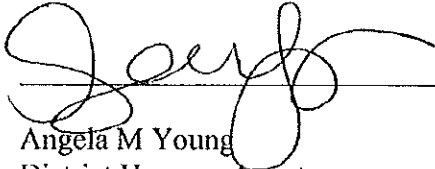
On 11 September 2016 I delivered my case file for review to ADA Bogue.

On 3 October 2016 I emailed ADA Bogue to inquire if she had a chance yet to review the case file.

On 4 October 2016 ADA Bogue and I planned to meet on 20 October 2016.

On 20 October 2016 I met with ADA Bogue who then had a chance to review the case file. We both agreed that animal cruelty citations were not plausible, especially with the fact that an Assistant State Veterinarian with the Department of Agriculture, Conservation and Forestry had recently inspected and passed the facility for compliance with the BMPs that exempted an animal cruelty charge due to an affirmative defense (M.R.S.A. 7§ 4011 (2) D. We also both agreed that there need to be revisions made to the inspection process and checklist that is utilized to better enforce the BMPs as there are several sections that are not reflected accurately. ADA Bogue stated that she would reach out to representatives of Agricultural Compliance and

Animal Health to attempt and remedy the hole in the process, as well construct a letter of findings to Director Hughes if it was needed. This case can be closed.



Angela M Young  
District Humane Agent  
State of Maine: Animal Welfare Program



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
ANIMAL WELFARE PROGRAM  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

WALTER E. WHITCOMB  
COMMISSIONER

MEMORANDUM

To: Liam Hughes, Director, Animal Welfare Program

From: Justin G. Bergeron, BVMS, Assistant State Veterinarian

Date: December 2, 2016

Subject: Case # 16497

- I'd like to provide a clarifying comment for the conversation annotated on page 14, paragraph 3. The report writer states that I stated "that the facility is currently leased and the management is not going to invest a lot of money into improvements." I would like it noted that this is not a direct quote, and that while I did mention something to this effect it was in the context of a wider discussion not annotated. This discussion was in regards to why the accused Company has not completely rebuilt the barns in question. My comment was intended to inform the investigator and those present that the company is leasing the buildings and would not likely want to outlay a large amount of capital for buildings they do not own. This was said as an assumption of normal US corporate structure, not with any specific knowledge of current business plans or intent.

Thank you for your consideration,

Justin G. Bergeron, BVMS

LIAM HUGHES, DIRECTOR  
ANIMAL WELFARE PROGRAM  
32 BLOSSOM LANE, MARQUARDT BUILDING



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WALTER E. WHITCOMB  
COMMISSIONER

MEMORANDUM

To: Liam Hughes, Director, Animal Welfare Program

From: Rachael Fiske, DVM, Assistant State Veterinarian

Date: December 2, 2016

Subject: Case # 16497

- I'd like to provide a clarifying comment for the quote located on page 5, paragraph 1 as follows: I believe this comment is taken out of context. My intention was to indicate that I had heard the witness mention, in reviewing the video material submitted to the Animal Welfare Program, that there were significant time lapses in between the baiting of the rodent stations. In fact, there was no evidence presented in the videos that this was the case and during the site visit I saw no evidence of any rodents in the barns or anywhere on the premises.
- I'd like to provide a clarifying comment for the quote located on page 8, paragraph 1 as follows: This comment is taken out of context. This statement was actually posed in the form of a question to the witness regarding the possibility of overlooking a dead chicken in one of the cages as the witness was performing the daily mortality check. The witness' statement following my question remains accurate as the witness questioned the feasibility of one person monitoring 90,000 chickens.
- I'd like to provide a clarifying comment for the quote located on page 8, paragraph 2 as follows: While most chickens lay eggs during daylight hours, depending upon the lighting schedule in the barns it is possible that some chickens would lay eggs during the overnight hours when employees were not present in the barns.
- I'd like to provide a clarifying comment for the quote located on page 8, paragraph 5 as follows: My statement following the witness' comment that most of the employees that saw a bird suffering and took the steps to humanely euthanize it was a good thing, was meant to commend the employees for taking quick action to humanely relieve a bird from suffering.

Thank you for your consideration,

Rachael Fiske, DVM

LIAM HUGHES, DIRECTOR  
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