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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 739, L.D. 1823, “An Act to Respect and Protect the Right to Food”

Amend the bill by striking out the title and substituting the following:

'An Act to Protect the Right to Food'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 3 MRSA §902, sub-§1-B, as enacted by PL 2013, c. 153, §1, is amended to read:

1-B. Edible landscaping, food forests and community gardens. The commission shall arrange for and oversee the development and implementation of a plan to incorporate food-producing plants, shrubs or trees into the landscaping of a ~~portion~~ of Capitol Park. ~~Use of edible~~ Edible landscaping must be consistent with the overall plan for the park under section 902-A, subsection 2 and is subject to available funding for the park.

The commission may seek and accept money and food-producing seeds, plants, shrubs or trees from public and private sources for the development and maintenance of edible landscaping throughout Capitol Park and may collaborate with local, state or regional public or private entities with expertise in the design and maintenance of permaculture, edible landscaping, food forests or community gardens.

For the purposes of this subsection, "food forest" has the same meaning as in Title 7, section 292, subsection 1 and "permaculture" has the same meaning as in Title 7, section 292, subsection 2.

Sec. 2. 7 MRSA §2, sub-§6, ¶D, as enacted by PL 2021, c. 677, §1, is amended to read:

D. Focusing on collective responsibility to amplify the voices of persons experiencing food insecurity; ~~and~~

COMMITTEE AMENDMENT

1 **Sec. 3. 7 MRSA §2, sub-§6, ¶E**, as enacted by PL 2021, c. 677, §1, is amended to
2 read:

3 E. Closing the equity gap in household food insecurity by addressing underlying
4 structural inequities; and

5 **Sec. 4. 7 MRSA §2, sub-§6, ¶F** is enacted to read:

6 F. Protecting the right to food as declared in the Constitution of Maine, Article I,
7 Section 25.

8 **Sec. 5. 7 MRSA §282**, as amended by PL 2023, c. 420, §1, is further amended to
9 read:

10 **§282. Definitions**

11 As used in this chapter, unless the context otherwise indicates, the following terms
12 have the following meanings.

13 **1. Direct producer-to-consumer transaction.** "Direct producer-to-consumer
14 transaction" means an exchange of food or food products directly between a food producer
15 and a consumer by barter, trade or purchase on the property or premises owned, leased or
16 rented by the food producer; at roadside stands, fundraisers, farmers' markets and
17 community social events; or through buying clubs, deliveries or community-supported
18 agriculture programs, herd-share agreements and other private arrangements.

19 **1-A. Consumer.** "Consumer" means an individual who acquires food or food products
20 directly from a food producer of the individual's choosing solely for consumption by the
21 individual or the individual's family.

22 **2. Food or food products.** "Food or food products" means food or food products that
23 are grown, produced, processed or prepared for human consumption, including, but not
24 limited to, vegetables, fruit, eggs, grain or grain products, herbs, seasonings or spices, milk
25 or milk products, meat or meat products, poultry or poultry products, fish or fish products,
26 seafood or seafood products, cider or juice, acidified foods ~~or~~, canned fruits or vegetables,
27 honey, nuts, maple products, condiments or any combination of those items, such as baked
28 goods, sandwiches or other meals, and that are provided in a direct producer-to-consumer
29 transaction.

30 **2-A. Food producer.** "Food producer" means a person that provides directly to a
31 consumer food or food products that the person:

32 A. Grows, raises or produces; or

33 B. Grows, raises, produces or acquires from another source and then processes or
34 prepares in a kitchen.

35 For the purposes of this subsection, "kitchen" means a room, area, site or location where
36 food or food products are produced, processed or prepared for a direct producer-to-
37 consumer transaction.

38 **2-B. Food sovereignty.** "Food sovereignty" means the right of persons to healthy and
39 culturally appropriate food produced through ecologically sound and sustainable methods
40 and the right of persons to define their own food and agriculture systems.

1 **4. Traditional foodways.** "Traditional foodways" means the cultural, social and
2 economic practices related to the production and consumption of food, including the
3 conveyance of knowledge regarding food production, preservation, preparation and
4 presentation.

5 **Sec. 6. 7 MRSA §283, first ¶**, as enacted by PL 2017, c. 314, §1, is amended to
6 read:

7 It is the policy of this State to encourage food self-sufficiency for its citizens. The
8 ~~department~~ State shall support policies that:

9 **Sec. 7. 7 MRSA §283, sub-§4**, as enacted by PL 2017, c. 314, §1, is amended to
10 read:

11 **4. Self-reliance and personal responsibility.** Promote self-reliance and personal
12 responsibility by ensuring the ability of individuals, families and other entities to prepare,
13 process, advertise and sell foods directly to customers intended solely for consumption by
14 the customers or their families; and

15 **Sec. 8. 7 MRSA §283, sub-§5**, as enacted by PL 2017, c. 314, §1, is amended to
16 read:

17 **5. Rural economic development.** Enhance rural economic development and the
18 environmental and social wealth of rural communities; and

19 **Sec. 9. 7 MRSA §283, sub-§6** is enacted to read:

20 **6. Right to food.** Protect the right to food as declared in the Constitution of Maine,
21 Article I, Section 25.

22 **Sec. 10. 7 MRSA §283-A** is enacted to read:

23 **§283-A. Food sovereignty principles**

24 The Legislature finds that advancing the principles of food sovereignty will further the
25 preservation of rural life and values as set forth in section 1-B and protect the right to food
26 as declared in the Constitution of Maine, Article I, Section 25. Food sovereignty:

27 **1. Focuses on the people.** Centers the right to sufficient, healthy and culturally
28 appropriate food for the people of the State in food, agriculture, livestock and fisheries
29 policies;

30 **2. Values food producers.** Values all those who grow, harvest and process food,
31 including women, small-scale farmers, herders, people who fish commercially, forest
32 dwellers, indigenous populations and agricultural, migrant and fisheries workers;

33 **3. Localizes food systems.** Brings food producers and consumers closer together so
34 they can make joint decisions on food issues that benefit and protect the people of the State;

35 **4. Promotes local control.** Respects the right of food producers to have control over
36 their land, seeds and water and protects natural resources for the people of the State;

37 **5. Builds knowledge and skills.** Values the sharing of local knowledge and skills that
38 have been passed down through generations to safeguard traditional foodways and enhance
39 sustainable food production, free from technologies that undermine bodily health and well-
40 being; and

1 **6. Works with nature.** Focuses on production and harvesting methods that maximize
2 the contribution of ecosystems and improve the resiliency of local food systems in the face
3 of drought and other extreme weather conditions.

4 **Sec. 11. 7 MRSA §284**, as amended by PL 2021, c. 625, §3, is further amended to
5 read:

6 **§284. Authority**

7 Pursuant to the home rule authority granted to municipalities by Title 30-A, section
8 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority
9 granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of
10 law regulating food in this Title or Title 22 to the contrary, except as contained in section
11 285, a municipality or plantation may adopt ordinances regarding traditional foodways and
12 direct producer-to-consumer transactions and the State shall recognize such ordinances by
13 not enforcing those laws or implementing rules with respect to those traditional foodways
14 or direct producer-to-consumer transactions that are governed by the ordinance.

15 Pursuant to the authority granted to county commissioners by Title 30-A, section 7505
16 and notwithstanding any provision of law regulating food in this Title or Title 22 to the
17 contrary, except as contained in section 285, a county may adopt ordinances regarding
18 traditional foodways and direct producer-to-consumer transactions within one or more
19 unorganized territories within that county and the State shall recognize such an ordinance
20 by not enforcing those laws or implementing rules with respect to those traditional
21 foodways or direct producer-to-consumer transactions that are governed by the ordinance.

22 **Sec. 12. 7 MRSA §284-A** is enacted to read:

23 **§284-A. Application**

24 The provisions of this chapter apply to any local food ordinance adopted by a
25 municipality, plantation or county including those local food ordinances adopted prior to
26 October 31, 2017.

27 **Sec. 13. 7 MRSA §284-B** is enacted to read:

28 **§284-B. Construction**

29 To advance food sovereignty, the principles of food sovereignty and the policy of the
30 State as set forth in this chapter, and to protect the right to food as declared in the
31 Constitution of Maine, Article I, Section 25, this chapter may not be construed to require a
32 specific form or framework for any ordinance regarding traditional foodways or direct
33 producer-to-consumer transactions authorized pursuant to section 284.

34 In accordance with Title 30-A, section 3001, subsections 1 and 3, any ordinance
35 regarding traditional foodways or direct producer-to-consumer transactions must be
36 liberally construed to effectuate the purpose of that ordinance.

37 **Sec. 14. 7 MRSA c. 8-G** is enacted to read:

38 **CHAPTER 8-G**

39 **MAINE VEGETABLE GARDEN PROTECTION ACT**

1 **§291. Short title**

2 This chapter may be known and cited as "the Maine Vegetable Garden Protection Act."

3 **§292. Definitions**

4 As used in this chapter, unless the context otherwise indicates, the following terms
5 have the following meanings.

6 **1. Food forest.** "Food forest" means a diverse planting of edible plants that attempts
7 to mimic the ecosystems and patterns found in nature.

8 **2. Permaculture.** "Permaculture" means sustainable landscape design and ecosystems
9 based on a diversified crop of perennial trees, shrubs, herbs, vegetables, weeds, fungi and
10 root systems that weave together microclimate, annual and perennial plants, soils, water
11 management, wildlife and human needs into intricately connected, productive
12 communities.

13 **3. Vegetable garden.** "Vegetable garden" means any plot of ground or elevated soil
14 bed on residential property where annual or perennial vegetables, herbs, fruits, flowers,
15 pollinator plants, leafy greens or other food-producing plants are cultivated.

16 **§293. Right to cultivate vegetable gardens**

17 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
18 25, and notwithstanding any provision of law to the contrary, an individual has the right to
19 cultivate vegetable gardens on the individual's property or on the private property of
20 another with the permission of the owner of that property, in any municipality, village,
21 plantation, county, unorganized territory or other political subdivision of this State.

22 **§294. Permaculture, edible landscaping, food forests and community gardens**

23 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
24 25, any political subdivision of the State may develop and implement a program to promote
25 permaculture and establish edible landscaping, food forests and community gardens in
26 public spaces, including publicly owned properties, rights-of-way, school grounds, parks and
27 parking lots.

28 A political subdivision of the State that develops and implements a program under this
29 section may seek and accept money from public and private sources for the development
30 and maintenance of permaculture, edible landscaping, food forests or community gardens
31 and collaborate with local, state or regional public or private entities with expertise in the
32 design and maintenance of permaculture, edible landscaping, food forests or community
33 gardens.

34 **§295. No prohibition or regulation**

35 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
36 25, and notwithstanding any provision of law to the contrary, the State or any political
37 subdivision of the State may not prohibit or regulate vegetable gardens, permaculture,
38 edible landscaping, food forests or community gardens in a manner inconsistent with this
39 chapter.

40 **§296. Construction**

41 This chapter may not be construed to prohibit the adoption of an ordinance or
42 regulation, pursuant to the home rule authority granted to municipalities by the Constitution

1 of Maine, Article VIII, Part Second, the powers granted to villages, plantations, counties
2 or other political subdivisions of the State by Title 30-A, the powers granted to the Maine
3 Land Use Planning Commission by Title 12 and the powers granted to the Department of
4 Environmental Protection by Title 38, of a general nature that does not solely or specifically
5 apply to vegetable gardens, permaculture, edible landscaping, food forests or community
6 gardens, including, but not limited to, ordinances or regulations relating to setbacks, water
7 quality, plant and animal habitats, water use, fertilizer use, pesticide use or control of
8 invasive species, so long as the ordinance or regulation does not have the effect of
9 precluding vegetable gardens, permaculture, edible landscaping, food forests or community
10 gardens in any political subdivision of the State.

11 **Sec. 15. 7 MRSA §318, sub-§2**, as amended by PL 2003, c. 167, §1, is further
12 amended by enacting at the end a new first blocked paragraph to read:

13 The panel, to the extent practicable, may give priority consideration to applications from
14 applicants who have a history of generational poverty or land dispossession in the United
15 States or from applicants who are veterans. For purposes of this subsection, "veteran"
16 means an individual who served in the United States Armed Forces and meets the definition
17 of "veteran" under 38 Code of Federal Regulations, Section 3.1 or who has served or is
18 currently serving in the Maine Army National Guard or Maine Air National Guard or the
19 Reserves of the United States Armed Forces.

20 **Sec. 16. 12 MRSA §1814**, as amended by PL 1999, c. 240, §1; PL 2011, c. 657, Pt.
21 W, §7; and PL 2013, c. 405, Pt. A, §24, is repealed and the following enacted in its place:

22 **§1814. Convey land**

23 **1. Generally.** Consistent with section 598-A, the bureau may sell and convey lands
24 under this subchapter and improvements on those lands. With the consent of the Governor
25 and the commissioner and subject to the provisions of section 598-A, the bureau may
26 convey interests in lands or lease the same. Any lease to the Federal Government requires
27 the approval of the Legislature. Any lease entered into must be canceled or revoked after
28 due notice of intention to cancel or revoke the lease by action of the bureau when the use
29 for which that lease was given has been abandoned or materially modified or whenever the
30 conditions imposed in any lease have been broken.

31 **2. Lease for cultivating edible crops, hay or pasturage for livestock.** Pursuant to
32 the right to food as declared in the Constitution of Maine, Article I, Section 25, the bureau,
33 with the consent of the Governor and the commissioner and subject to the provisions of
34 section 598-A, may lease the right to use parcels of land under this subchapter for purposes
35 of cultivating edible crops, hay or pasturage for dairy animals or other livestock. Each
36 lease must contain a provision that authorizes the bureau to terminate the lease at any time
37 when the bureau in its sole discretion determines that termination is in the best interests of
38 the State. The bureau may not issue any adjustment or compensation to any lessee under
39 this subsection on account of that termination. The bureau, to the extent practicable, in
40 establishing a lease under this subsection, may give priority consideration to individuals
41 with a history of generational poverty or land dispossession in the United States or to
42 individuals who are veterans. For purposes of this subsection, "veteran" means an
43 individual who served in the United States Armed Forces and meets the definition of
44 "veteran" under 38 Code of Federal Regulations, Section 3.1 or who has served or is

1 currently serving in the Maine Army National Guard or Maine Air National Guard or the
2 Reserves of the United States Armed Forces.

3 **Sec. 17. 12 MRSA §1838, sub-§10** is enacted to read:

4 **10. Lease for cultivating edible crops, hay or pasturage for livestock.** Pursuant to
5 the right to food as declared in the Constitution of Maine, Article I, Section 25 and
6 consistent with section 598-A, the bureau, with the consent of the Governor and the
7 commissioner, may lease the right to use parcels of nonreserved public land for purposes
8 of cultivating edible crops, hay or pasturage for dairy animals or other livestock. Each
9 lease must contain a provision that authorizes the bureau to terminate the lease at any time
10 when the bureau in its sole discretion determines that termination is in the best interests of
11 the State. The bureau may not issue any adjustment or compensation to any lessee under
12 this subsection on account of that termination. The bureau, to the extent practicable, in
13 establishing a lease under this subsection, may give priority consideration to individuals
14 with a history of generational poverty or land dispossession in the United States or to
15 individuals who are veterans. For purposes of this subsection, "veteran" means an
16 individual who served in the United States Armed Forces and meets the definition of
17 "veteran" under 38 Code of Federal Regulations, Section 3.1 or who has served or is
18 currently serving in the Maine Army National Guard or Maine Air National Guard or the
19 Reserves of the United States Armed Forces.

20 **Sec. 18. 12 MRSA §1852, sub-§10** is enacted to read:

21 **10. Lease for cultivating edible crops, hay or pasturage for livestock.** Pursuant to
22 the right to food as declared in the Constitution of Maine, Article I, Section 25 and
23 consistent with section 598-A, the bureau, with the consent of the Governor and the
24 commissioner, may lease the right to use parcels of public reserved land for purposes of
25 cultivating edible crops, hay or pasturage for dairy animals or other livestock. Each lease
26 must contain a provision that authorizes the bureau to terminate the lease at any time when
27 the bureau in its sole discretion determines that termination is in the best interests of the
28 State. The bureau may not issue any adjustment or compensation to any lessee under this
29 subsection on account of that termination. The bureau, to the extent practicable, in
30 establishing a lease under this subsection, may give priority consideration to individuals
31 with a history of generational poverty or land dispossession in the United States or to
32 individuals who are veterans. For purposes of this subsection, "veteran" means an
33 individual who served in the United States Armed Forces and meets the definition of
34 "veteran" under 38 Code of Federal Regulations, Section 3.1 or who has served or is
35 currently serving in the Maine Army National Guard or Maine Air National Guard or the
36 Reserves of the United States Armed Forces.

37 **Sec. 19. 30-A MRSA §7051, sub-§11**, as amended by PL 2021, c. 625, §5, is
38 further amended to read:

39 **11. Ordinances.** Chapter 141, but only with respect to animal control ordinances,
40 subject to Title 7, section 3950, the sale and use of consumer fireworks within the
41 plantation, subject to Title 8, section 223-A, the accumulation of garbage, refuse, rubbish
42 or trash or unwanted or discarded material of any kind or source on private property and
43 ordinances regarding traditional foodways and direct producer-to-consumer transactions
44 adopted in accordance with Title 7, chapter 8-F.

1 **Sec. 20. Appropriations and allocations.** The following appropriations and
 2 allocations are made.

3 **ATTORNEY GENERAL, DEPARTMENT OF THE**

4 **Human Services Division 0696**

5 Initiative: Establishes one half-time Assistant Attorney General position dedicated to the
 6 health inspection program within the Department of Health and Human Services, Maine
 7 Center for Disease Control and Prevention effective September 1, 2024 and provides
 8 funding for related All Other costs.

9	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
10	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
11	Personal Services	\$0	\$64,969
12	All Other	\$0	\$7,418
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$72,387

15

16 **ATTORNEY GENERAL, DEPARTMENT OF THE**
 17 **DEPARTMENT TOTALS**

18		2023-24	2024-25
19	OTHER SPECIAL REVENUE FUNDS	\$0	\$72,387
20			
21	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$72,387

22 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 23 **Maine Center for Disease Control and Prevention 0143**

24 Initiative: Provides funding from the General Fund to reimburse the Department of the
 25 Attorney General for one half-time Assistant Attorney General position dedicated to the
 26 health inspection program within the Maine Center for Disease Control and Prevention.

27	GENERAL FUND	2023-24	2024-25
28	All Other	\$0	\$72,387
29			
30	GENERAL FUND TOTAL	\$0	\$72,387

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32 **HEALTH AND HUMAN SERVICES,**
 33 **DEPARTMENT OF**
 34 **DEPARTMENT TOTALS**

35		2023-24	2024-25
36	GENERAL FUND	\$0	\$72,387
37			
38	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$72,387

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40 **SECTION TOTALS**

41		2023-24	2024-25
42	GENERAL FUND	\$0	\$72,387

1	OTHER SPECIAL REVENUE FUNDS	\$0	\$72,387
2			
3	SECTION TOTAL - ALL FUNDS	\$0	\$144,774

4

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
6 number to read consecutively.

7

SUMMARY

8 This amendment, which is the majority report of the committee, replaces the bill and
9 does the following.

10 1. It amends the law governing edible landscaping throughout Capitol Park to allow
11 collaboration with local, state or regional entities in developing and maintaining edible
12 landscaping.

13 2. It provides that strategies to end hunger in the State by 2030 must include protecting
14 the right to food as declared in the Constitution of Maine, Article I, Section 25.

15 3. It amends the Maine Food Sovereignty Act to:

16 A. Require the State, instead of the Department of Agriculture, Conservation and
17 Forestry, to support certain policies, including promoting self-reliance and personal
18 responsibility and enhancing rural economic development, and add as a policy
19 protecting the right to food as declared in the Constitution of Maine, Article I, Section
20 25;

21 B. Establish food sovereignty principles;

22 C. Apply the provisions of the Maine Food Sovereignty Act to all local food
23 ordinances, including those in place before that Act was enacted; and

24 D. Specify that the Maine Food Sovereignty Act does not require a specific form or
25 framework for local food ordinances.

26 4. It establishes the Maine Vegetable Garden Protection Act to:

27 A. Allow an individual to cultivate vegetable gardens on the individual's property or
28 on the private property of another with the permission of the owner of that property
29 anywhere in the State without interference;

30 B. Allow a municipality, county, village or plantation to develop and implement a
31 program to promote permaculture and to establish edible landscaping, food forests and
32 community gardens in public spaces, including publicly owned properties, rights-of-
33 way, school grounds, parks and parking lots, in collaboration with local, state or
34 regional public or private entities; and

35 C. Allow a municipality, county, village or plantation to adopt ordinances to regulate
36 matters related to the cultivation of vegetable gardens, permaculture, edible
37 landscaping, food forests and community gardens.

38 5. It requires the Maine Farms for the Future Program review panel, to the extent
39 practicable, to give priority to applications from applicants who have a history of
40 generational poverty or land dispossession in the United States or from applicants who are
41 veterans.

