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No. 124

S.P. 50

In Senate, January 8, 2025

An Act to Protect the Right to Food

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

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

4 **1-B. Edible landscaping, food forests and community gardens.** The commission
5 shall arrange for and oversee the development and implementation of a plan to incorporate
6 food-producing plants, shrubs or trees into the landscaping of a ~~portion of~~ Capitol Park.
7 ~~Use of edible~~ Edible landscaping must be consistent with the ~~overall~~ plan for the park under
8 section 902-A, subsection 2 and is subject to available funding for the park.

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

14 For the purposes of this subsection, "food forest" has the same meaning as in Title 7, section
15 292, subsection 1 and "permaculture" has the same meaning as in Title 7, section 292,
16 subsection 2.

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

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

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

23 E. Closing the equity gap in household food insecurity by addressing underlying
24 structural inequities; ~~and~~

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

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

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

30 **§282. Definitions**

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

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

39 **1-A. Consumer.** "Consumer" means an individual who acquires food or food products
40 directly from a food producer of the individual's choosing solely for consumption by the
41 individual or the individual's family.

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

9 **2-A. Food producer.** "Food producer" means a person that provides directly to a
10 consumer food or food products that the person:

11 A. Grows, raises or produces; or

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

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

17 **2-B. Food sovereignty.** "Food sovereignty" means the right of persons to healthy and
18 culturally appropriate food produced through ecologically sound and sustainable methods
19 and the right of persons to define their own food and agriculture systems.

20 **4. Traditional foodways.** "Traditional foodways" means the cultural, social and
21 economic practices related to the production and consumption of food, including the
22 conveyance of knowledge regarding food production, preservation, preparation and
23 presentation.

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

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

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

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

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

36 **5. Rural economic development.** Enhance rural economic development and the
37 environmental and social wealth of rural communities; ~~and~~

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

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

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

1 **§283-A. Food sovereignty principles**

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

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

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

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

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

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

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

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

24 **§284. Authority**

25 Pursuant to the home rule authority granted to municipalities by Title 30-A, section
26 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority
27 granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of
28 law regulating food in this Title or Title 22 to the contrary, except as contained in section
29 285, a municipality or plantation may adopt ordinances regarding traditional foodways and
30 direct producer-to-consumer transactions, and the State shall recognize such ordinances by
31 not enforcing those laws or implementing rules with respect to those traditional foodways
32 or direct producer-to-consumer transactions that are governed by the ordinance.

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

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

41 **§284-A. Application**

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

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

5 **§284-B. Construction**

6 To advance food sovereignty, the principles of food sovereignty pursuant to section
7 283-A and the policy of the State as set forth in this chapter, and to protect the right to food
8 as declared in the Constitution of Maine, Article I, Section 25, this chapter may not be
9 construed to require a specific form or framework for any ordinance regarding traditional
10 foodways or direct producer-to-consumer transactions authorized pursuant to section 284.

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

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

15 **CHAPTER 8-G**

16 **MAINE VEGETABLE GARDEN PROTECTION ACT**

17 **§291. Short title**

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

19 **§292. Definitions**

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

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

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

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

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

33 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
34 25, and notwithstanding any provision of law to the contrary, an individual has the right to
35 cultivate vegetable gardens on the individual's property or on the private property of
36 another with the permission of the owner of that property, in any municipality, village,
37 plantation, county, unorganized territory or other political subdivision of this State.

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

1 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
2 25, any political subdivision of the State may develop and implement a program to promote
3 permaculture and establish edible landscaping, food forests and community gardens in
4 public spaces, including publicly owned properties, rights-of-way, school grounds, parks
5 and parking lots.

6 A political subdivision of the State that develops and implements a program under this
7 section may seek and accept money from public and private sources for the development
8 and maintenance of permaculture, edible landscaping, food forests or community gardens
9 and collaborate with local, state or regional public or private entities with expertise in the
10 design and maintenance of permaculture, edible landscaping, food forests or community
11 gardens.

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

13 Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section
14 25, and notwithstanding any provision of law to the contrary, the State or any political
15 subdivision of the State may not prohibit or regulate vegetable gardens, permaculture,
16 edible landscaping, food forests or community gardens in a manner inconsistent with this
17 chapter.

18 **§296. Construction**

19 This chapter may not be construed to prohibit the adoption of an ordinance or
20 regulation pursuant to the home rule authority granted to municipalities by the Constitution
21 of Maine, Article VIII, Part Second; the powers granted to villages, plantations, counties
22 or other political subdivisions of the State by Title 30-A; the powers granted to the Maine
23 Land Use Planning Commission by Title 12; and the powers granted to the Department of
24 Environmental Protection by Title 38 of a general nature that does not solely or specifically
25 apply to vegetable gardens, permaculture, edible landscaping, food forests or community
26 gardens, including, but not limited to, ordinances or regulations relating to setbacks, water
27 quality, plant and animal habitats, water use, fertilizer use, pesticide use or control of
28 invasive species, as long as the ordinance or regulation does not have the effect of
29 precluding vegetable gardens, permaculture, edible landscaping, food forests or community
30 gardens in any political subdivision of the State.

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

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

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

42 **§1814. Convey land**

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

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

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

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

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

43 **10. Lease for cultivating edible crops, hay or pasturage for livestock.** Pursuant to
44 the right to food as declared in the Constitution of Maine, Article I, Section 25 and
45 consistent with section 598-A, the bureau, with the consent of the Governor and the

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

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

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

22 SUMMARY

23 This bill does the following.

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

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

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

30 A. Require the State, instead of the Department of Agriculture, Conservation and
31 Forestry, to support certain policies, including promoting self-reliance and personal
32 responsibility and enhancing rural economic development, and add as a policy
33 protecting the right to food as declared in the Constitution of Maine, Article I, Section
34 25;

35 B. Establish food sovereignty principles;

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

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

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

- 1 A. Allow an individual to cultivate vegetable gardens on the individual's property or
2 on the private property of another with the permission of the owner of that property
3 anywhere in the State without interference;
- 4 B. Allow a municipality, county, village or plantation to develop and implement a
5 program to promote permaculture and to establish edible landscaping, food forests and
6 community gardens in public spaces, including publicly owned properties, rights-of-
7 way, school grounds, parks and parking lots, in collaboration with local, state or
8 regional public or private entities; and
- 9 C. Allow a municipality, county, village or plantation to adopt ordinances to regulate
10 matters related to the cultivation of vegetable gardens, permaculture, edible
11 landscaping, food forests and community gardens.
- 12 5. It requires the Maine Farms for the Future Program review panel, to the extent
13 practicable, to give priority to applications from applicants who have a history of
14 generational poverty or land dispossession in the United States or from applicants who are
15 veterans.
- 16 6. It allows the Department of Agriculture, Conservation and Forestry, Bureau of Parks
17 and Lands to lease land and parcels of land in parks and historic sites, nonreserved public
18 land and public reserved land for purposes of cultivating edible crops, hay or pasturage for
19 livestock and allows the bureau to give priority consideration in establishing those leases
20 to individuals with a history of generational poverty or land dispossession in the United
21 States or to individuals who are veterans.
- 22 7. It clarifies that a plantation has the same powers and duties and is subject to the
23 same restrictions as a municipality with respect to ordinances regarding traditional
24 foodways and direct producer-to-consumer transactions under the Maine Food Sovereignty
25 Act.