

March 11, 2025

RE: LD 124 – An Act to Protect the Right to Food -- Within the Limited Scope of Animal Welfare Laws, this Testimony Seeks Clarification of the Application of LD 124 and is Against the Current Iteration of LD 124, but is Neither For nor Against the Balance of LD 124

Senator Talbot-Ross, Representative Pluecker, and other Honorable Members of the Agriculture, Conservation and Forestry Committee:

My name is Bonnie Martinolich and I am a member of the Animal Welfare Advisory Council, which was established in 2001 per MRS Title 7, Chapter 717. ANIMAL WELFARE ACT, §3906-C. The purpose of this Council is to “advise” the ACF Commissioner on matters pertaining to animal welfare. Although LD 124 includes amendments to multiple titles in the Maine statutes, this testimony will focus on those provisions that have the potential to impact the adoption and enforcement of laws, regulations and ordinances the purposes of which are to protect the welfare of animals in our State.

As a brief refresher, the Right to Food amendment to the Constitution of Maine, Article I, Section 25, was adopted in 2021. Also in 2021, the Legislature adopted multiple amendments to Chapter 8-F [Maine Food Sovereignty Act] of Title 7 [Agriculture and Animals]. It is apparent that we are all working through this first in the nation Constitutional right and its application to all constituents of our State.

Our request to this Committee is that you use LD 124 as a means to provide clarification that the animal welfare laws, rules and ordinances in our State are intended to be harmonized with, and not superseded by, an individual’s exercise of the right to food under Chapter 8-F. Chapter 8-F captures all types of foods, including animal-based food. In this regard, animal welfare protections have a special relationship with the right to food laws. While, for example, environmental concerns are a by-product of the exercise of this right, animals are directly impacted as a food source.

We appreciate that there are proposed amendments in LD 124 that attempt to clarify what is already contained in Chapter 8-F, but even some of those provisions are vague and will likely have the effect of creating more confusion with respect to a person’s right to food and the enforcement of animal welfare protections in our State.

For example, the proposed definition of “Traditional foodways” includes “cultural... practices related to the production of food”. What does that mean with respect to raising and slaughtering animals for food that are violative of Maine’s animal welfare laws? By way of example, if a traditional foodway included using certain confinement practices that are outlawed per current law, or ordinance, would that practice now be permitted?

Another example is the proposed definition of “Food sovereignty”, which includes “the right of persons to define their own food and agriculture systems.” We do not believe that this definition is intended to supersede or impede the adoption and enforcement of animal welfare laws and ordinances, but that is not clear given this definition and the other proposed amendments contained in LD 124. Maine is consistently ranked in the top five states in the nation for our anti-cruelty laws, and animal welfare protections. While supporting the overall intent of this bill, we do not want to see the important protections eroded or overwritten.

We note that other provisions of LD 124 further complicate the interpretation of the relationship of animal welfare laws and ordinances with an individual’s right to food. By way of example, LD 124 includes the addition of a new Section 284-A [Applicability] to Chapter 8-F, that provides, “The provisions of this chapter apply to any local food ordinance adopted by a municipality, plantation or county, including those local food ordinances adopted prior to October 31, 2017” (a retroactive application). Additionally, a new clause is proposed to Section 283 of Chapter 8-F that would require the Department to, “Protect the right to food as declared in the Constitution of Maine, Article I, Section 25.” For both of these proposed amendments, and as a general matter, we welcome the clarification that Chapter 8-F is not intended to supersede the Department’s or municipalities’ charge to protect the welfare of animals in our State.

We believe that it is important for the citizens of our State and those tasked with enforcing our State’s animal welfare laws and ordinances have a clear understanding of the relationship between Chapter 8-F and those animal welfare protections. This is especially true because some animals are considered a “food” and, therefore, directly impacted by an individual’s exercise of the right to food.

As noted earlier in this testimony, the Council’s testimony only applies to the proposed amendments to Title 7 as they relate to animal welfare. It is within this defined sphere of proposed amendments that the Council seeks clarification and requests an “ought not to pass” vote from this Committee with respect to this iteration of LD 124. The Council is otherwise “not for nor against” the balance of LD 124.

Submitted on behalf of the ANIMAL WELFARE ADVISORY COUNCIL