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TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 124

An Act to Respect and Protect the Right to Food

March 11, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, I am Craig Lapine, Director of the Bureau of Agriculture, Food and Rural Resources in the Department of Agriculture, Conservation and Forestry (DACF). I am here today to speak neither for nor against LD 124, "*An Act to Respect and Protect the Right to Food.*"

During the 131st Legislature, the Department initially opposed LD 1823, the bill upon which LD 124 is based. We were concerned that specific definitional changes could negatively impact food safety in Maine. The sponsor engaged in several constructive conversations with DACF and accepted much of our input.

Additionally, DACF would like to outline the following points as a reference for this Committee as it considers this legislation.

Current Law

Under the existing Food Sovereignty Act (FSA), a municipality may adopt ordinances regarding direct producer-to-consumer transactions where members of the public may purchase goods produced in certain locations that are not subject to state food laws. Owing to federal preemption, the requirements of the State's meat and poultry products inspection, registration and licensing program are explicitly exempted from the Act. We are aware of 113 Maine towns that have adopted food sovereignty ordinances.¹

¹ See localfoodrules.org



Additional Issues to Note

The Maine Vegetable Garden Protection text states that the right to cultivate vegetable gardens is “notwithstanding any provision of law to the contrary.” Two possible areas of concern we have flagged for the sponsor are how this may impact the State’s ability to regulate invasive plants and hemp. Section 296 of the bill addresses the invasive species question head on, but the ability to regulate hemp and remain compliant with our federally-accepted plan is still a gray area for the Department..

The bill sections amending Title 12 to permit leasing land for agricultural uses are redundant. Title 12 already allows the Department to lease state park land and certain public lands for ‘commercial purposes,’ which include agriculture; indeed, we have several such leases.

Regarding the sections that would create preferences for some historically marginalized communities within Bureau of Parks and Lands leases and the Land for Maine’s Future Program, we would appreciate guidance on implementing this language in a way consistent with equal protection provisions of the 14th Amendment of the U.S. Constitution following the Supreme Court's 2023 decision in *Students for Fair Admissions*.

Lastly, it has come to our attention that the definition of *herd-share* in current law should be defined to ensure DACF can stay in compliance with our Cooperative Agreement with USDA-FSIS to operate the Maine Meat and poultry Inspection Program (MMPI).

Thank you for your time. I would be happy to answer your questions. I and other staff can also be available during the work session.