

## **Testimony by Heather Retberg in favor of LD 124 An Act to Protect the Right to Food**

Senator Talbot Ross, Representative Pluecker, honorable members of the Committee on Agriculture, Conservation, and Forestry, my name is Heather Retberg, I am a resident of Penobscot and I am here today to testify in favor of LD 124 An Act to Respect and Protect the Right to Food. I am a farmer at Quill's End Farm, I am a leader in Maine's food sovereignty movement, co-authoring the Maine Food Sovereignty Act (MFSA) and the Right to Food (RtF) Constitutional amendment. I offer this testimony today in honor of Bonnie Preston, may she sing with angels, a relentless food sovereignty advocate who appeared before this committee on every single bill to ensure Maine's place as a leader bridging the gaps in policy between ending hunger and creating a secure, legal space for small, diversified farms like mine to thrive in our communities.

As I reviewed LD 124, a verse from the book of Romans emerged from my memory archives and has become a lens through which I understand this bill proposal. LD 124 is an implementation tool we need as departments of state government do not do what they ought to do as instructed by the MFSA and Article 25 of our Declaration of Rights. What they ought to do, this they do not do. It is also a tool of constraint, to amplify and clarify that which they ought not do, but do despite the statute and the amendment.

When this Legislature enacted the right to food amendment by well over 2/3 majority vote, when we voted to enshrine it into the Constitution of the State of Maine by 61% margin in 2021, we emphasized repeatedly that it was a foundation on which to build. The RtF amendment is the foundation of a house of policy that includes addressing hunger in Maine and expanding and empowering our individual and community ability to grow food for ourselves, protecting the ability to nourish ourselves as we determine is best for own health by increasing access, adequacy, availability and sustainability of food and ensuring our control over our seeds.

In 2021, we emphasized ensuring the human right to food was a foundation on which to build. Now, it is time to build.

Indeed, from 2011-2021 on onward until today, the food sovereignty movement together with Senator Hickman and other legislative leaders and supporters from both parties over the last 15 years, put forward legislation to further food resilience and rural economic development simultaneous to our efforts to enshrine the human right to food. Not all passed. Notable ones did, constructing the "pre-fab" statutory walls to erect on the constitutional foundation of the human right to food, the individual food freedom of how to nourish ourselves, and the food sovereignty to control our own seeds. Those "pre-fab" walls include institutional food buying from Maine grown sources, the Maine Food Sovereignty Act, the Act to Increase Food Self-Sufficiency, the bills to invest in our local food processing and distribution infrastructure, the Roadmap to End Hunger by 2030.

While LD 124 does not include a slew of new government programming, it does lay out the sill-plates, if you will, of future walls to build on the right to food foundation from education to land access, to permaculture for the future, to significantly important amendments to the Maine Food Sovereignty Act to ensure that local control over our food exchanges is effectively recognized by the State and its agencies. LD 124 contains provisions to further erect the walls of a house of food resilience for this state. What ought the State? LD 124 lays out what it ought.

Of special note, one of those pre-fab walls needs some legislative shoring up. I wish to draw the committee's special attention to the principles of food sovereignty and the clarifying amendments in

LD 124. This level of specificity, leveling up this food sovereignty wall, is now in need of protection as some state agencies have not respected the local ordinance in place where communities have determined how our food needs are met and defined the parameters of our food exchanges. These definitions were penned at the local level first in 2011 and the state formally recognized municipal authority to do so with the passage of the Maine Food Sovereignty Act in 2017.

LD 124 also lays out what state agencies ought *not*, but that which they now do. In the sections on amendments to the MFSA, it bears repeating that the strongest intent and clearest articulation of the Act was to explicitly address state preemption by recognizing municipal authority to govern *and define* our food exchanges locally, when those exchanges were from one to another, me-to-thee. The Act recognized that it is the town's discretion how to define the universe, however small, of how we exchange food and the municipality's authority to govern direct producer-to-consumer exchanges. The Act does *not* require the town to include certain definitions, but rather requires the state to recognize how the town governs. The three essential questions we brought before this Committee and this Legislature for years were foundational ones: where do we accept risk? Where do we place trust? And whose decisions are those to make? The MFSA squarely recognizes those decisions are up to our communities, organized by municipality, plantation, unorganized territory, or county to determine. Due to recent litigious events, it has become necessary and urgent to articulate this yet more explicitly as LD 124 proposes, including the principles and definition of food sovereignty for crystal clarity.

This Legislature has proven to be a model for the country that follows the ideal of servant-leadership, representatives and senators that follow the people of Maine's will articulated in both the MFSA and the RtF in the hard-earned effort of 15 years. The nation is watching what we do now as Maine is the first state in the country to enshrine the human right to food in our Constitution. How we move forward to implement this historic amendment is of great impact to other states now working in a similar direction. Maine's leadership will continue to be a beacon of hope that another food system is possible, that great things are possible when legislators and people work together for what is best for communities and individuals.

Please continue the positive engagement of the Maine Legislature with the communities across Maine who have stitched together the quilt of food sovereignty, one town at a time, now numbering more than 125 towns and cities, nearing 30% of Maine's municipalities and toward greater food resilience, self-determination, and increased household and rural economic stability.

I urge you to continue this trajectory of true servant-leadership and vote ought to pass on LD 124. Thank you. I am happy to answer any questions and to share more at the work session as beneficial.

