



THE HUMANE SOCIETY
OF THE UNITED STATES

Testimony in Opposition to LD 95
Resolution, Proposing an Amendment to the Constitution of Maine
To Establish a Right to Food
Committee on Agriculture, Conservation and Forestry
February 23, 2021

Senator Dill, Representative O’Neil, and members of the Committee on Agriculture, Conservation and Forestry, my name is Katie Hansberry and I am the Maine State Director of The Humane Society of the United States.

While not opposed to the concept of the proposed right to food, we are opposed to LD 95 as written due to concerns about unintended consequences leading to potentially devastating effects on animals. Accordingly, we ask that the committee consider modifications to the proposed amendment.

While the adoption of the proposed right to food amendment would not immediately invalidate existing laws or prevent their enforcement, it is important to consider and anticipate the types of challenges that may result and do our best to assess what the outcome in the courts may likely be and determine if those outcomes are consistent with the intent of the proposed constitutional amendment. We do not think it is the intent of this proposal to allow food producers and and/or hunters, trappers, and fisherman be exempt from animal welfare and cruelty laws, but as currently written that would likely be the case as the current list of limitations fails to include any reference to such laws. Unfortunately, Maine has had several neglect and cruelty cases involving livestock and wildlife species and the proposed amendment would provide a defense that they have a constitutional right to “raise” and “harvest” those animals as the food “of their own choosing,” a right that is not subject to being limited by animal welfare or cruelty laws. The inclusion of the terms “raise,” “harvest,” and “of their own choosing” could also result in a constitutional right for the consumption of species that are not viewed as food animals, such as cats and dogs or some wildlife species.

Additionally, LD 95 could prohibit the Maine legislature from passing farm animal reforms, particularly as they relate to the sale of cruel animal products, such as foie gras, horsemeat, and meat and eggs from animals raised in extreme confinement. Under LD 95, the purpose of the right to food is for “nourishment, sustenance, bodily health and well-being.” “Sustenance,” which can mean support, maintenance, livelihood or income, could imply a right to sell animals and animal products, with no or limited licensing requirements. “Well-being” could be interpreted similarly to imply a right to improve one’s financial well-being by selling animals and their products. If a right to sell animals and animal products becomes guaranteed in the state Constitution, that could effectively prohibit Maine citizens and lawmakers from enacting or maintaining various protections for horses and farm animals. Accordingly, some of the redundancy in the current language could be addressed by removing “sustenance” and the term “physical” could be added to describe “well-being” to address these concerns.

LD 95 could also have harmful, unintended consequences for Maine’s wildlife and taxpayers. The terms grow, raise, harvest, and produce refer to both animals and plants. And the term “harvest” is frequently used to describe the killing of wildlife through regulate hunting. Putting a right to hunt in Maine’s constitution, something that has been attempted and failed several times, is unnecessary and a solution in search of a problem as hunting is a Maine tradition and

supported by policymakers, citizen advocate groups and sportsmen throughout the state. Doing so could also subject the state to expensive legal challenges from individuals claiming that reasonable quotas, closed seasons, land area closures, and other types of hunting restrictions are, therefore, unconstitutional. It may also empower poachers to file lawsuits arguing that such a constitutional right to hunt exempts them from existing restrictions like bag limits, or prohibitions on the use of artificial lights or hunting from a public paved way.

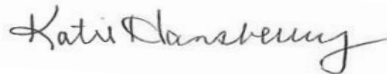
In order to remove the potential negative consequences for animals, the Humane Society of the United States recommends amending LD 95 as follows:

All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, ~~raise, harvest,~~ produce and consume ~~the~~ food ~~of their own choosing~~ for their own nourishment, ~~sustenance,~~ bodily health and physical well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources, and subject to reasonable state and local laws to protect animal welfare or to promote environmental or wildlife conservation in the ~~harvesting,~~ production or acquisition of food.

These amendments would make clear that there is still room for reasonable state and local regulation of food, including for animal welfare and wildlife conservation purposes.

For these reasons, I respectfully urge the committee to oppose LD 95 as written and adopt the proposed amendments.

Thank you for your time and the opportunity to testify on this matter.



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