

Why LD 795 is Needed

Maine's food systems are vulnerable to weaknesses in the national economy and infrastructure.

Empty shelves at grocery stores are amplifying the need for food self-sufficiency.

Food imported from out of state now makes up about 90% of what we eat.

Storms, flooding, and disease can result in breaks along the food supply chain to Maine.

With responses to the Covid19 virus causing disruption to transportation and mobility, the need for more of our food to come from our own yards and fields is apparent.

It is essential that we increase local food production in order to ensure resilience of our communities.

Enumerating right to grow and raise food in Maine's Declaration of Rights ensures people continue to have the ability to grow and raise their own food and protect against government overreach.

Maine people can increase resilience to external shocks in systems beyond our control by growing and producing much more of our own food.

By securing the right to grow and raise food in our Constitution, it will be protected in the most fundamental form of law.

What LD 795 Does

LD 795 would allow Maine people to vote this November on including the right to food in the Constitution of the State of Maine.

The legislation would allow voters decide on whether to add the following language to Section 25 of the State's Declaration of Rights:

Right to food. All individuals have a natural, inherent and unalienable right to food, including the 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 healthy and 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 in the harvesting, production or acquisition of food.

The Facts About LD 795

Private property rights, including seed patents, are protected.

Earlier this March, Maine's House and Senate voted to engross LD 795, adopting amendment language that clarifies the scope of the right to food.

LD 795, as amended, specifies that the right to food does not allow a person to commit trespassing, theft, poaching or other abuses of private property rights in the harvesting, production or acquisition of food.

LD 795 is clear that a person has a right to save and exchange seed only as long as that individual does not commit theft or other abuses of private property rights.

The amendment as written provides for all private property rights, including seed patents, to be secure within the right to food.

The right to food will not limit or constrain other rights.

Article 1, Section 24 of Maine's Constitution, "Other rights not impaired," specifies that the enumeration of certain rights shall not impair nor deny others retained by the people.

For example, the right to keep and bear arms, (Me. Const. art. I, sec. 16) specifies that "Every citizen has the right to keep and bear arms and this right shall never be questioned."

Even though Maine's Constitution specifies that "every citizen" has this right to keep and bear arms, the State retains the authority to prohibit uses of firearms that deny rights retained by other people. This constitutional right does not prevent the government from limiting the right of certain citizens to keep and bear arms, such as those with felony convictions, certain mental illnesses, and dishonorable discharge from the military.

Similarly, including the right in our Constitution for all people to grow, harvest, and raise their own food would not authorize criminal acts or prevent the State from enforcing laws to protect the rights of all people.

Department oversight of food processing and commerce is protected.

Adding the right to food to Maine's Declaration of Rights would not restrict the authority of the Department of Agriculture to oversee and regulate food processing and commercial distribution of food.

The amendment removes the words "acquire," "process," "prepare" and "preserve" that were originally in LD 795 from the enumeration of an individual's right to food.

The right to food does not mean society must provide food for certain groups of people.

The right to food does not obligate the government to provide free or subsidized food.

The amendment to LD 795 addresses concerns that including a right to food for all people in Maine's Constitution could require government to provide food for people who are able-bodied but unable to work.

The amendment removes language originally in LD 795 that established a right to be free from hunger, malnutrition, starvation or endangerment of life due to the scarcity of or lack of access to food.

Enumerating the right to food for all people would not create a mandate for government handouts. The State's Constitution already includes certain rights for *all* people, without creating obligations for the government to provide for the personal needs of all people.

For example, Article 1, Section 1 of Maine's Constitution makes clear that all people have rights that include acquiring and possessing property. Including the right in Maine's Constitution for all people to acquire and possess property does not require the government to give property to people.

Similarly, including the right of people to grow, raise, and harvest food does not create a requirement for government to provide food to certain groups of people.

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These are some quick facts about the proposal to amend Maine's Constitution as it stood at the end of the 129th session when it was LD 795 (see attached)