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AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 95

*RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Establish a Right to Food*

February 23, 2021

Senator Dill, Representative O'Neil, and honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Emily Horton, Director of Policy and Community Engagement, speaking on behalf of the Department neither for nor against LD 95, a "*RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food.*"

As we understand it, LD 95's proposed amendment to the Maine constitution is rooted in the tenets of food self-sufficiency and self-provisioning. Last session, the Department spoke at length with the amendment's prior sponsor, Representative Hickman, to understand his motivations for the bill. In our dialogue, he was receptive to our concerns about conflicts that could arise related to the department's statutorily mandated role to uphold food safety standards related to food in commerce, and was amenable to adjusting the language to remove references to food processing and preparation, which, as previously written, we believed would conflict with current state and federal law regarding food establishment licensing and inspection programs. The language in LD 95 continues to reflect those changes, which we appreciate.

With that said, the department does acknowledge that constitutional amendments will preempt state law and may be subject to legal interpretation going forward. We also recognize that if this bill is successful and signed into law, it will go to the people of Maine for a vote on whether it is ultimately accepted, or not, as a constitutional amendment. We respect the public process and are confident that the committee will weigh all technical and legal aspects of this proposed legislation thoughtfully and thoroughly.

Thank you for your time, and I am available to answer questions now as well as at the work session.

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