

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

First Special Session

beginning April 28, 2021

beginning at page H-200

WARREN of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
MORRIS of Turner
PRESCOTT of Waterboro

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative SYLVESTER of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 61) (L.D. 95)

Signed:

Senators:

DILL of Penobscot
MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
BERNARD of Caribou
GIFFORD of Lincoln
LANDRY of Farmington
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren
SKOLFIELD of Weld

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass** on Bill "An Act Regarding the Board of Occupational Safety and Health"

(S.P. 110) (L.D. 248)

Signed:
Senators:

HICKMAN of Kennebec
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
PEBWORTH of Blue Hill
ROEDER of Bangor
WARREN of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
MORRIS of Turner
PRESCOTT of Waterboro

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative SYLVESTER of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Senator:

BLACK of Franklin

Representatives:

HALL of Wilton
UNDERWOOD of Presque Isle

READ.

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I rise in support of the pending motion.

All individuals have a natural inherent and unalienable right to food, including the right to save and exchange seeds, the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and wellbeing as long as the individual does not commit trespass, theft, poaching or other abuses of private property rights, public lands, or natural resources in the harvesting, production or acquisition of food.

I am not the first Representative to bring this amendment to the Legislature. I was proud to spend a lot of time working on this bill in the 129th with past sponsor, Representative Craig Hickman of Winthrop, who introduced the first version of Right to Food in the Legislature where it did receive a two-thirds vote in the House of Representatives.

America's Farmer Joel Salatin said; I can't imagine a more basic human right, a more bipartisan issue than protecting my right to choose my body's food. Who could possibly think that such freedom of choice should be denied? We allow people to smoke, shoot, preach, home educate, spray their gardens with chemicals, buy lottery tickets and read about the Kardashians; wouldn't you think we could let people choose their food?

Food lawyer, Peter Hutt, states; the constitutional authority of the government to determine the food that can lawfully be marketed and the constitutional right of the individual to personal freedom and control of his own destiny will at some juncture inevitably conflict. According to the Senator from Kennebec, that day of conflict has arrived and we have an opportunity to make this moment of conflict transformational.

This Resolution pays the ultimate tribute to eaters; a set of rights that explicitly articulates an expression of our right to enjoy and defend life and liberty and pursue and obtain our safety and happiness. I see a lot of reasons for this amendment. The question is often asked why is it needed. One would have to look at the origins of the Food Sovereignty Movement for that answer.

Maine's Food Sovereignty Movement secured its first major policy win in 2011, when in response to grassroots pressure for the State to protect its small-scale farmers the Maine Legislature passed a Joint Resolution to oppose any federal statute, law, or regulation that attempts to threaten our basic human right to safe seed and grow, process, consume, and exchange food and farm products within the State. At the same time, municipalities began passing local food sovereignty ordinances. But four months later, the State of Maine sued Farmer Brown, a small dairy farmer, for selling raw milk without a license. This action showed there was still much work to do. In 2017, grassroots support swelled and with a democrat-controlled House, a republican-controlled Senate, Governor Lepage signed into law the Maine Food Sovereignty Act. I'm happy to say that currently, other than some outlying incidents with inspectors stepping in to seize mislabeled products or destroy food, we are in a fairly good position with our food sovereignty laws but there is still work to do to protect our food rights for future generations.

Food sovereignty laws deal with commercial regulation of food but what we are discussing here today is an individual right. Food sovereignty and the right to food are closely related but they are not the same thing. Rarely, our amendments adapted when they are needed. They are adapted many years before by legislators who had the foresight to pass them for the benefit of future generations. If you look back at the Bill of Rights, almost none of it was needed when it was written. As a matter of fact, there was an argument whether it needed to be written at all. Some argued that natural rights were sufficient and that individual rights didn't need to be enumerated at all. I, however, am eternally grateful that those arguments did not win and that the Bill of Rights was written. Our founders had the foresight to specifically enumerate certain rights, among them; speech, the right to bear arms and the right to be protected from unlawful searches and seizures were included. At the time of the writing, none of these rights were probably needed. We had recently defeated the British and it was a given that these rights were not in question. However, the genius and foresight was in enumerating them for future generations.

The track we face is fairly secure that this isn't an issue right now. The problem is clear; power is concentrated in the hands of a few rich individuals and corporations. Ever since the New Deal, the U.S.'s agricultural policy encouraged the consolidation of farmland. Today, Bill and Melinda Gates at

242,000 acres, are the U.S.'s largest private farmland owners. Four companies dominate the global seed market. Jump ahead 25 or 50 years into the future. Could we see government creating roadblocks and restrictions to peoples' right to food? Will the government be telling people what they are allowed to eat and where they can grow it? Will Monsanto own all the seeds and will we have gotten so far from our roots that we won't even have natural seeds anymore? Will people be allowed to grow gardens or will gardening become a luxury reserved for the rich? Will Monsanto's big pockets buy the government officials? Will only corporate or government-run farms be producing the food? Will hunting and fishing be outlawed? Will organic farms be a thing of the past, a fad of times gone by, wiped out by high seed costs and canopy restrictions imposed by an overbearing government? Will totalitarian code enforcement officers be pulling up people's carrots and onions because of town or state ordinances that forbid them? What if I told you 34 years passes in the blink of an eye? Consider, if you will, 1987 was 34 years ago. Maine added a constitutional amendment that said the right to bear arms shall never be questioned. Was it necessary in 1987? I'm sure gun restrictions were the farthest thing from any Mainer's imagination. What amazing foresight they had.

Keep in mind, constitutional amendments are to protect our rights, not provide them. Some have said that if an amendment called Right to Food is passed that the government must provide food to people. That is not the case and the language in this amendment is clear. Just as the right to bear arms is protected by the Constitution, the Constitution does not provide arms to the people. The Right to Free Speech is protected but we don't provide everyone with a microphone or a printing press to exercise it. The same would be true of the Right to Food. The amendment would protect the right of the people to grow, raise food for their own use, but have no obligation to provide it to them.

I came here to Augusta to make the State a better place for my children. We need to have the courage now and do this for our kids and grandchildren and all future generations of Mainers. This amendment strengthens the peoples' inalienable right to produce food for their own consumption; not to steal, not to trespass, not to poach, but to produce for their own consumption. Do we need it right now? Will we need it 25, 34, or 50 years from now? If we wait until then to find out, it will be too late. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion for several reasons.

First, I want to take us back in time to the 128th Legislature when the Food Sovereignty Act was passed. The USDA did not weigh in on the issues this law would cause because it was not yet law. So, in October of 2017, just before the language was to go into effect, the ACF committee, of which I was a Member at the time, was called in to fix the law or the USDA was going to shut down our custom slaughterhouses in Maine because there was no provisions for inspection of meat for resale.

Our custom slaughterhouses are state-inspected by the Department of Ag, Conservation and Forestry, to follow the USDA requirements for the processing of meat for resale in and outside the State of Maine. Maine has six USDA-inspected slaughterhouses and another seven custom slaughterhouses. They supplement the USDA facilities around our State to accommodate all our wonderful farmers statewide. Additionally, we have processing establishments, but there still needs to be an inspected slaughter of the animals in order for the meat to be

processed for resale. In order for meat to be sold in our grocery stores and butcher shops, it must be slaughtered and processed under USDA guidelines to ensure safety to the consumer since the consumer is not able to inspect the facilities themselves from production to table.

While the intention of a constitutional right to food has its merits, we need to look at the whole picture, including unintended consequences it can produce. If we lose the custom slaughterhouses who inspect slaughter and process for farmers in Maine, then we'll see a shortage of meat in our grocery store shelves and will also see our farms dwindle and our countryside planted with their final crops of houses, could lead to fewer sources of food available and, in essence, we could very well see an opposite effect of what this proposal has in mind to occur here in Maine.

On the side of our fishing and hunting traditions in Maine, I will agree this bill has language that states legal means must be followed in obtaining food, but who really determines if something is legal versus constitutional? In fact, our Statutes are unclear on the definition of poaching as referred to in this resolution. Maine's Department of Inland Fisheries and Wildlife in an email to the Agriculture, Conservation and Forestry Committee chairs, analyst, and sponsor of a similar bill in both the 127th and 129th Legislature, who is a Member of the other Body today, states; the language that states, quote, as long as an individual does not commit trespassing, theft, poaching, or other abuses of private property rights may create unintended consequences in that poaching isn't clearly defined in Statute and depending on interpretation could mean that a person could violate some fish and wildlife laws but not others in their pursuit of food. That came from, in full disclosure, from Christie Theriault from the Department of Inland Fisheries and Wildlife.

The Senator from Winthrop responded to this email stating that if this resolution to amend the Maine Constitution is passed by the Legislature with two-thirds vote and then ratified by the voters at the ballot box with a majority vote, the Legislature thereafter might simply update the Maine Revised Statutes where appropriate to define or further clarify the definition of poaching as the acquisition of food by hunting or fishing in violation of any applicable state or federal laws, rules, or regulations or some other way that makes the same point. We should be very careful when amending our constitution to get it right before relying on a future vote to fix the law.

If something is your right constitutionally, then it's possible that a statutory law could be fought in court as unconstitutional and therefore obsolete. So, although we have laws around hunting, recreational fishing and commercial fishing, if the courts determine that having a license to catch lobster off the coast of Maine is unconstitutional due to a right to food, then anyone could put traps out and catch any lobster they want. That would include the females that have the roe showing on the outside, the large and small lobsters that under current rules are to be thrown back to help the population continue to thrive, and they would instead possibly be kept. What would this do to our fishermen? What would it do to our lobster population? On hunting, who's to say the rules in place to protect our deer herd, for example, will be deemed constitutional anymore. If my family's hungry in the spring and I know there are many does in my woods behind or even on my property, why wouldn't I be able to harvest one in order to feed my family? I suppose Bambi did manage to survive after his mother was killed.

As I stated earlier, this bill has merits. It's well meaning. Food insecurity is an emotional issue to anyone in that situation. However, this is the wrong execution. Maine has a Right to Farm law and a Food Sovereignty law. We should work to

strengthen these for individuals who want to raise their own food and feed their families before we institute unintended consequences that would affect the ability of farms to provide for those who either do not want to grow or cannot grow their own food. This constitutional amendment could very well cause additional food insecurity rather than the intention to provide food security for the people of Maine.

Most of the language in this resolution actually came about due to my concerns on the AG committee in the 129th Legislature. The language around legal means was in direct response to my questions to this bill, I believe it was LD 795 in the 129th. In my first term, these concerns were not in place around hunting, fishing and farming protections. Experience has shown me that fighting in court takes time and although legal means must be followed in order to obtain food, a constitutional right does not necessarily care or accept statutory law.

In the 129th, I was actually told right to food is just like the Second Amendment, the right to keep and bear arms. I found it to be a bit of an absurd analogy because we all have the right to keep and bear arms but we do not have a right to arms. We do have a right to life and I do believe many of our statutory laws contradict this right. And in order to live, we do need three basic things; water, air and, of course, food. Therefore, the right to food is already addressed in our Constitution because we have a right to life.

Furthermore, the amendment that the committee put onto the language of the bill which has the right to food including the right to save instead of just the right to save, that first part, right to food, changes the entire meaning of the resolution. Although later language says 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 interpretation of legal means of acquisition is left to the interpretation of the courts. If someone is hunting in order to feed their family outside the traditional hunting season because they have a right to food, they very well could be allowed to continue and this would be devastating to our natural rights under our hunting laws and is the biggest reason that the Department of Inland Fisheries and Wildlife was opposed to this bill. Please follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I unequivocally believe inherent in our Right to Life, which is enshrined in our Constitution, is our right to produce our own food and nourishment. So, I rise in opposition to this constitutional amendment.

The intent of this amendment already exists within our Constitution and is further articulated in our Right to Farm Statute.

Previously, the Honorable Member from Winthrop brought this constitutional amendment to this Body in the 127th and the 129th Legislatures and my concerns still remain. This amendment, I fear, puts into conflict property rights, which enable our ability to grow our own food and establishes a new entitlement to the fruits of other peoples' labor.

First of all, the amendment seeks to protect property by asserting the right cannot be exercised if trespassing. However, here in Maine we rely on the good will of private landowners for a whole host of activities, from hunting to ATVing. Because we allow for general use unless the land is posted, this amendment will likely lead to an overall reduction in land access as Mainers seek to protect themselves from those using the Constitution of

Maine to assure the right to fiddleheads, wild mushrooms, wild game and other items on another person's property. It also states abuses of private property rights, public lands, or natural resources, but where is the term abuses defined? What abuses does this reference and who is to make that determination?

Second, intellectual property is protected but this amendment asserts that there is a right to save and share seeds. This is fine if they are your original seeds cultivated and developed by your work, but it is theft of those seeds if they are proprietary and developed through the scientific research and development costs of others. We aren't just talking about Monsanto here, but seed producers in our own State such as Johnny's Selected Seeds and our State's own potato seed program. These seeds are developed to be able to stand against pests and disease in our own environment and many are done to fall within organic guidelines.

Beyond these property right concerns is the assertion that there's an inalienable right to food. At first, it doesn't seem to be out of step if you have an inalienable right to life and food is essential to life. So, yes, you have an unalienable right to produce food, to labor to grow it or to buy it. But that isn't what this amendment says. It says you have the right to food, which includes the right to grow, raise, harvest, and produce but is not limited to just a right to grow, raise, harvest, and produce food, it is a right to food. The right to food inherent in the right to life is the right to produce food, the right to have the freedom to support yourself and family without the State telling you that you cannot grow, produce, or grow other animals for consumption. But this amendment isn't just an articulation of that inherent right but, again, rather, it asserts a right to food, period.

Other concerns around placing this in our Constitution is that it will supersede any local ordinances established. These are not ordinances put in place by some faceless government officials but ordinances voted on by your neighbors and citizens of your community. Many times, these ordinances are adopted due to constraints and our health concerns not only for the individual but their neighbors as well. This would place those municipalities in a position of litigation around their ordinances and placing unintended financial burden on them. Further, it would remove the Legislature from the process. Will the Legislature then not be able to set food and handling standards? Would we be turning all issues involving a right to food to the courts to set the allowable parameters and rulings around the issue? Who is responsible for ensuring this right to food is met? Are the taxpayers of Maine responsible? Is there a concern with a right to food as to what is the limiting principle? If taxpayers are responsible for providing this right to food and the amendment says the right includes consuming the food of their own choosing, are we establishing a constitutional amendment that asserts taxpayers are responsible for providing whatever kind of food an individual wants?

This language is so broad, we will be placing these challenges in the hands of the courts to interpret intent. If that challenge should happen next year, there will be an opportunity to share intent, but as the sponsor said, what happens if a challenge comes 10, 20 or more years from now? Will the intent be known?

The sponsor also referenced our right to bear arms but today we still debate intent and it continues to be challenged in court.

We all here agree that food is an essential part of life and all of us support programs and charities that provide food for those that are hungry and experiencing food insecurity and outright hunger. Further, I think most of us here agree that we have an inherent right to grow, raise, harvest, and produce our

own food from our own hard work on our own property, but this amendment isn't limited to just that and so, I encourage you to vote against this motion and if we find that our right to farm Statutes are not strong enough, then lets revisit the Maine Food Sovereignty Act to make sure the right to profit from the fruits of your own labor, inherent in our right to life, are better protected in our agricultural Statutes. I ask you to follow my light and thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative HALL: Thank you, Mr. Speaker. We all have the right to food. That's already in our Constitution. It's under the Right to Happiness. And I'm not sure how the rest of you feel, but if I'm hungry, I'm not happy.

I'd like to echo the words of our Representative from Knox and the Representatives from Oxford. This bill has been brought up several legislative sessions before. In the 127th, the USDA stepped in to close down our custom processes. The Legislature had to come in in a special session to defeat this so that our custom slaughterhouses could stay in business.

I personally raise beef cattle on my farm. I don't want to have to process my own animals, I don't have the facilities to do that. If our custom slaughterhouses are closed down, I would not be able to sell my beef in the local market. Please don't jeopardize our food supply. Please vote no against this.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative TUELL: Thank you, Mr. Speaker. I rise today in opposition to the pending motion.

I won't try to restate what the Representative from Knox so eloquently stated and what the Representative from Oxford so eloquently stated as well, but I will talk a little bit about a part of the Maine Constitution that has gone mostly ignored in this debate, and that's the Home Rule Authority.

Maine has a strong tradition of local control and local management. Our local officials are not totalitarian, they never have been, they're elected by our friends and neighbors, they're appointed by our friends and neighbors. So, whether they're a code enforcement officer or selectman or whatever the case may be, they are the people that we trust to run our communities each and every day. That system has worked magnificently for 200 years, it's the fabric and the backbone of our State. That's why the Home Rule Authority is protected in our Constitution. It's also why the Tenth Amendment is enshrined in our United States Constitution to preserve State's rights.

So, while I appreciate and understand many of the arguments for being able to grow your own food or have your own garden, things like that, I think a more appropriate venue for that, as others have said, would be legislation. And as one who supported the Food Sovereignty Act of years in the past as a Statute, I think that's probably the better way to go if folks want to revisit that, let's revisit it next session, it seems like there might be support for it.

I would wrap it up just by saying that by establishing this constitutional amendment, we could well be putting it at loggerheads with the Home Rule Authority and creating a constitutional crisis, a crisis which could land this whole thing in court and in the laps of lawyers and judges which don't fully understand or appreciate the intent of this Legislature or any other, and that is ultimately where it constitutionally is settled is the court system. We can have endless debates on it, but at the end of the day the courts are the ones who ultimately decide it.

So, opening that Pandora's Box is not a good thing, any more than it would be middling around and playing around with our fishing lobster zones that are in place today that were set up

with the Department of Marine Resources and fishermen. Imagine if fishermen had a right to fish anywhere they wanted to up and down the coast, what that might just do? And imagine if those with recreational licenses decided that five wasn't enough to feed my family, therefore I want 10 traps or 20 or 50 or 100. Imagine what that might do to the lobster fishing industry? I'm not saying it will happen, but it could well happen because these are big 10,000-foot goals with real-world consequences. I urge you all to vote Ought Not to Pass or vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you, Mr. Speaker. There's a lot of fear around the idea of us having the power to feed ourselves from our own land by our own hand without the interference of government, without the interference of the State government or the local municipalities, but I don't think that's something that we need to be afraid of. I think that when we have the right to feed ourselves, when we have the right to produce our own food without interference by the government, that is right for us as humans, that's right for us as Maine citizens. If we want to continue to create a class of people who need food given to them by the government, then we should vote against this because this bill provides the ability to produce our own food, to feed ourselves, to be dependent upon ourselves, to lift ourselves up by our own bootstraps.

Last night for dinner, I went out and I harvested some mint, some parsley, some mugwort, some chives, I mixed it with yogurt that came from our own cows, made in our own kitchen, and I fed it to my children on top of chicken that we harvested under our own maple tree. That's what this bill is about, it's about the right to produce and feed your children in a manner you see fit without interference from anybody about it.

This bill is not going to undermine our Home Rule Authority within the Constitution; it is about the right to do this without interference from a local government or from a state government. This is not about the right to farm, this is not about the food sovereignty, those bills are about how you produce food for sale. This bill is about producing food for your family.

This is not going to interfere with licensing on hunting or fishing. You can refer back to the sponsor who is a lobster fisherman. He's not going to introduce a bill which is going to abridge his right to make a living. That is not the heart of this bill. And if we believe in the ability of people to feed themselves from whatever walk of life they come from, then you would vote for this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Mr. Speaker. So, Mr. Speaker, I'll be brief. We've heard a lot of scary-sounding stuff today and I just want to start by saying that I support the sponsor's good work on this bill, it's very clearly a bipartisan issue and one that is, I think, really foundational to our culture here in Maine.

I want to note that this was a unanimous vote out of committee until a few folks reconsidered. We didn't have any clear and specific objections during the public hearing process, only a few kind of scary-sounding undefined specters, and we did quite a bit of work to address this. We had a great team of young lawyers doing research that researched both the poaching issues that were raised, they researched, you know, private property rights, and they also researched some of the objections that you've heard related to commercial activity, and they mapped it out in a really clear way that I think made sense intuitively but seeing it spelled out, there just wasn't a question.

So, I'll just say that control of the food system and sources of nutrition really is control of everything. It's about our nourishment, our health, cancer and illness rates, ways that we deplete our earth with unsustainable agriculture, and the freedom to grow food and engage in traditional just, you know, traditional ways of feeding and nourishing yourself. This is an individual right, it doesn't affect commercial activity. An individual right isn't taking away the ability for municipalities and the State to regulate. I think if you look to other individual rights, you'll see it doesn't wipe all law off the books, especially not laws that derive from the State's broad police power to provide for health, safety and welfare. That's just basic law. And Maine, I just want to note, we've been saying it's going to send everybody to court and cause all this problem. Maine is not a litigious state, we don't have extensive con law here in Maine, people aren't running to the courts with these kinds of constitutional cases. I think the big impact that it will have is it will protect policy as it's made by making kind of some guardrails and I like to think of it as a backstop that things can't go beneath.

So, I'll just close by saying that the sponsor's done a lot of great work on this, that we did have legal resources working to address everything that has been raised here, and food is foundational to life and food freedom is really the freedom to grow, prepare and consume food. So, this is about the abilities for individuals to feed themselves. So, thanks, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker. I just wanted to respond to a couple of the previous speakers.

First, the Representative from Warren, I appreciate that he actually laid out in support of my statement that you already have the right to do so. So, I too, can harvest many of the same things already that he spoke of along with raising my chickens and many other things.

The previous speaker from Scarborough, mentioning that there haven't been any constitutional cases around this is because we don't have it in our constitution. So, we can't have that conversation about whether there's going to be these challenges. And my comments weren't based in fear, my comments were based in speaking with the Maine Municipal Association, who absolutely believes this is going to cause problems with their ordinances and it is going to put their members in a place where they are going to have to litigate some of the ordinances that we have existing in places such as Lewiston, Auburn, and Portland, to name a few, in congested areas when you get into raising farm life, whether it's in a very small outdoor area or within a building in those areas. So, they do have strong concerns there and then there's also concerns from the Maine Veterinary Association that goes to parameters around breeding, handling of our animals, and right now that lies with the State, the ability to set those standards and now is that going to be in conflict with something that we're going to put in our Constitution.

And so, these are questions, they're not fears, and this is why I refer to this as just being very broadly written, that it's not specific enough to answer those questions. Whether they had lawyers talk about it in committee, those questions were still not answered for these people who are in opposition of this piece of legislation. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 51

YEA - Alley, Andrews, Arford, Austin, Babbidge, Bell, Bernard, Berry, Blier, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carmichael, Cloutier, Collamore, Collings, Connor, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Geiger, Gere, Gramlich, Greenwood, Grohoski, Harnett, Hasenus, Hepler, Hutchins, Kessler, Landry, Lemelin, Libby, Lookner, Madigan, Martin J, Martin R, Mason, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Moriarty, Newman, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Poirier, Prescott, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Thorne, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Bickford, Bradstreet, Carlow, Cebra, Copeland, Costain, Dillingham, Dolloff, Downes, Foster, Gifford, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hymanson, Javner, Johansen, Kinney, Kryzak, Lyford, Lyman, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Roche, Stearns, Stetkis, Theriault, Tuell, Underwood, Wadsworth, White.

ABSENT - Bailey, Doore, Grignon, Martin, Morales, Perry.
Yes, 104; No, 41; Absent, 6; Excused, 0.

104 having voted in the affirmative and 41 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-124)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Resolution was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-124)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Study Alternative Cropping Systems for Farmers Affected by Perfluoroalkyl and Polyfluoroalkyl Substances Contamination

(H.P. 403) (L.D. 558)

Signed:
Senators:

DILL of Penobscot
BLACK of Franklin
MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
BERNARD of Caribou
GIFFORD of Lincoln
HALL of Wilton
LANDRY of Farmington
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representative:

UNDERWOOD of Presque Isle

READ.

On motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-123)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-123)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)** on Bill "An Act To Establish a Working Farmland Access and Protection Program within the Department of Agriculture, Conservation and Forestry and a Working Farmland Access and Protection Fund within the Land for Maine's Future Program" (EMERGENCY)

(H.P. 413) (L.D. 568)

Signed:

Senators:

DILL of Penobscot
BLACK of Franklin
MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
BERNARD of Caribou
GIFFORD of Lincoln
HALL of Wilton
LANDRY of Farmington
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

UNDERWOOD of Presque Isle

READ.

On motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-121)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-121)** and sent for concurrence.