

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
From: Karen S. Nadeau, Legislative Analyst
Date: March 9, 2021
Subj: **LD 95 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food**

SUMMARY: This constitutional resolution declares that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.

TESTIMONY

Proponents: *None other than sponsor and cosponsors*

Written only: Residents of Porter and Penobscot

Opponents: *Maine Veterinary Medical Association; The Human Society of the United States; Maine Municipal Association; Maine Potato Board*

NFNA: *Department of Agriculture, Conservation and Forestry*

CONSTITUTIONAL AMENDMENTS:

- The Legislature has the sole authority to initiate constitutional amendments. It does so by a Constitutional Resolution (CR) which requires a two-thirds majority vote of both Houses.
- If passed by both Houses, the CR is sent to the Secretary of State for submission to the voters.
- A majority of the inhabitants voting on the matter in the referendum is sufficient to make the proposed amendment a part of the Constitution.

- The Governor has no function in this process.
- The actual question presented to the voters does not have to conform to the actual language of the proposed amendment; however, if the question is presented to the voters is clearly misleading, the vote is void.
- The precise day and month for voting for the amendment are specified in the Constitution and a vote on any other day renders that vote invalid and ineffective.
- A CR passed during the First Regular Session may be voted on in November of the year of passage or in the following November. A CR passed during the Second Regular Session may be voted on only in November of the year of passage.

TECHNICAL/LEGAL ISSUES:

- There is uncertainty over the effects of this proposed amendment.
- The provision will eventually need to be interpreted by a judge in order to determine how this impacts presently existing laws and regulations.

PRELIMINARY FISCAL IMPACT STATEMENT: Fiscal note required.

- Current biennium cost increase – General Fund.
- The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$172,000 may be required.

BACKGROUND:

127th Legislature – LD 783, RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

ACF Committee voted OTP-A/ONTP. LD was carried over to the Second Regular Session and died between Houses.

129th Legislature – LD 795, RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

ACF Committee voted OTP-A/ONTP. LD was carried over to the Second Regular Session and then died between houses when the Maine Legislature adjourned in March 2020 due to the pandemic and did not reconvene.