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Rep. Billy Bob Faulkingham
Testimony In Support of
**LD 95 RESOLUTION, Proposing an Amendment to the Constitution of Maine To
Establish a Right to Food.**
Agriculture, Conservation and Forestry Committee
February 23, 2021

Good morning Senator Dill, Representative O'Neil and members of the Agriculture,
Conservation and Forestry Committee:

I am Representative Billy Bob Faulkingham and I am here to present **LD 95 RESOLUTION,
Proposing an Amendment to the Constitution of Maine To Establish a Right to 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 Legislature with the original sponsor,
Representative Craig Hickman of Winthrop. Representative Hickman introduced the first version
of Right to Food in the 127th Legislature where it did receive a 2/3 vote in the House of
Representatives.

Then Representative Hickman used a quote that I believe strikes to the very heart of this issue: *"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, educate at home, spray their yards with chemicals, buy
lottery tickets, and read about the Kardashians; wouldn't you think we could let people choose
their food?"*-Joel Salatin(American farmer)

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."*

*"That day of conflict has arrived and we have an opportunity to make this moment of conflict
transformational."* Said Hon. Craig Hickman.

He went on to say that 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. When I try to understand what it is that opponents object to, it seems that the big thing I hear is, "why is it needed"?

One would have to look to 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 save 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. Four months later, Maine sued Farmer Brown, a small dairy farmer for selling raw milk without a license, testing the FSO's legality. Maine's Supreme Court avoided determining whether state law preempted the FSO and ruled against the farmer on other grounds."*

In 2017, grassroots support swelled, and with a Democrat controlled House, and a Republican controlled Senate, Governor LePage signed into law the Maine Food Sovereignty Act.

Well, I'm happy to say that currently other than some of the 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. I'm thankful of that, because if we needed this Amendment now, then it would already be too late. Rarely are amendments adopted when they are needed. They are adopted 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 search 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.

Presently, do we need a right to grow a garden, or raise livestock?

No. I think today in most instances, that is a given.

Jumping ahead 25 or 50 years into the future, could we see our government creating roadblocks and restrictions to the people's 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 even 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 those 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 Mainers imagination.

It is amazing what foresight they had.

Aren't we glad now, that that amendment is there to strengthen that right?

Keep in mind Constitutional amendments, are there 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 doesn't 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 and raise food for their own use, but have no obligation to provide it to them.

I came here to Augusta to make the State of Maine a better place for my children. We need to have the courage now, to do this for our kids and grandchildren and the future generations of Mainers.

This amendment strengthens the people's inalienable right to produce food for their own consumption-not to steal, not to trespass, not to poach....but to produce food for their own consumption.

Do we need it right now?

Will we need it, 25, 33, or 50 years from now?

If we wait until then to find out, it will be too late.

Please give this bill the unanimous committee report it deserves.

God Bless, and thank you for your time.

I will answer any questions you may have.