

To: Key and Elected Municipal Officials
Legislative Policy Committee
Municipal Planners

From: Rebecca Graham, State and Federal Relations

Date: Thursday, June 10, 2021

Re: **Contact Your Senator Today** - LD 95, Constitutional Amendment, Right to Food

The bill LD 95, *Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food*, sponsored by Rep. Billy Bob Faulkingham of Winter Harbor, was passed out of the House today and is headed back to the Senate for final adoption.

This bill will send a laudable question to Maine voters in November who are very likely to support such an obvious right 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.”

However, the language that will be added to Maine’s Constitution, should it succeed, will open municipalities to challenges for restricting urban livestock farming, pesticide ordinances, school lunch programs and likely add thousands in litigation costs for county jails.

As drafted, the Constitutional amendment protects [personal choice](#) over nutritional adequacy, availability, access, and sustainability as required by existing obligations, and protects against “abuses of other private property rights” which could expose Maine’s farmer to constitutional challenges from patented seed holders.

Additionally, institutions that provide food for individuals through government services like school lunch and county jails, could be required to adhere to an individual’s personal choice of food rather than nutritional needs. Jails and prisoners are already routinely challenged for their food delivery balanced with revenue capacity, which should be addressed through rulemaking, bulk buying, and adequate funding not litigation.

Constitutional law is not established until the court rules on a challenge and the challenges with the vague language are likely to attract suits from several interested parties at the expense of supplementing food programs.

For this reason, it is critical that you contact your Senator today to discuss your concerns with the language in LD 95 and urge them to defeat the measure.

Members of the Senate can be reached at 1-800-423-6900. To look up your Senator and their contact information check this [site](#).

Thank you for your attention to this important matter. If you have questions, please do not hesitate to contact me at rgraham@memun.org or 207-350-0419.