

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

Reported by:

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT A" to S.P. 263, L.D. 796, Bill, "An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 20-A MRSA c. 223, sub-c. 9 is enacted to read:

SUBCHAPTER 9

NUTRITION EDUCATION

§6661. Nutrition education

The department shall work with public schools to encourage nutrition education for students and for teachers and staff as part of coordinated school health programs and school food service programs and in accordance with chapter 222. The department shall work with public schools to encourage an outreach component for students' parents and guardians as part of a coordinated school health program. The department may adopt rules to implement the purposes of this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

§6662. Foods outside school meal program

1. Nutritional information. After August 31, 2008, food service programs must post caloric information for prepackaged a la carte menu items at the point-of-decision.

2. Food and beverages outside school lunch programs. The department shall adopt rules to establish standards for food and beverages sold or distributed on school grounds but outside of school meal programs. These standards must include maximum portion sizes, except for portion sizes for milk, that are consistent with single-serving standards established by the United States Food and Drug Administration. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Rules adopted pursuant to this subsection do not apply to food and beverages sold or offered at community events or fund-raisers held outside the hours of the normal school day.

Sec. 2. Dairy vending machines. By January 31, 2006, the Department of Education, in collaboration with the Maine Dairy and Nutrition Council, shall implement a pilot program to install dairy vending machines selling flavored or unflavored milk with 1% or less fat in schools.

Sec. 3. Implementation of National Farm to School Program. By January 31, 2006, the Department of Education, in collaboration with the Department of Agriculture, Food and Rural Resources, shall implement the National Farm to School Program, funded by the United States Department of Agriculture, as fully as is practicable to provide locally grown fruits and vegetables in public schools.'

SUMMARY

This amendment is the unanimous report of the Joint Standing Committee on Education and Cultural Affairs. It replaces the bill and includes the following:

1. A directive to the Department of Education to encourage nutrition education in public schools;

2. A requirement that caloric information on prepackaged a la carte items be posted;

3. A directive to the Department of Education to establish standards for food and beverages sold outside of the school meal programs. These standards are to be adopted through rulemaking. The rules are designated major substantive rules;

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2 4. A directive to the Department of Education to implement
a pilot program to install milk vending machines; and

4 5. A directive to the Department of Education to
6 collaborate with the Department of Agriculture, Food and Rural
Resources to implement the National Farm to School Program.

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FISCAL NOTE REQUIRED
(See attached)

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COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 796

LR 0681(03)

An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Cost - State Mandate

State Mandate

New or Expanded Activity

Requiring food service programs to post caloric information for pre-packaged ala carte menu items is a mandate. The cost can not be determined at this time. To the extent that school administrative units already fulfill this requirement, the additional cost of this measure may be mitigated.

Unit Affected

School

Costs

Insignificant

Fiscal Detail and Notes

Additional costs to the Department of Education associated with rulemaking and with implementing the required programs can be absorbed within existing budgeted resources.

Any additional costs to the Department of Agriculture can be absorbed utilizing existing budgeted resources.