

# MAINE STATE LEGISLATURE

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(Filing No. S-380)

MAJORITY  
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 258, L.D. 577, "An Act to Address Student Hunger and Nutrition Through Expanded Access to Free Milk in Schools"

Amend the bill by striking out the title and substituting the following:

**'An Act to Maximize Federal Funding and Protect Maine's School Meals Programs'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 20-A MRSA §6602, sub-§1, ¶B,** as amended by PL 2021, c. 759, Pt. D, §1, is further amended to read:

B. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast shall provide a publicly funded student who is eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220 (2007) at no cost to the publicly funded student. The State shall provide to the public school or private school approved for tuition purposes funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each publicly funded student eligible for a reduced-price breakfast and receiving breakfast if the public school or private school approved for tuition purposes meets the requirements of section 6602-A.

**Sec. 2. 20-A MRSA §6602, sub-§1, ¶D,** as amended by PL 2021, c. 759, Pt. D, §2, is further amended to read:

D. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and

1 participates in the National School Lunch Program in accordance with 7 Code of  
 2 Federal Regulations, Part 210 (2007) that serves lunch shall provide a publicly funded  
 3 student who is eligible for free and reduced-price meals under paragraph A a meal that  
 4 meets the requirements of the federal National School Lunch Program set forth in 7  
 5 Code of Federal Regulations, Part 210 (2019) at no cost to the publicly funded student.  
 6 The State shall provide to the public school or private school approved for tuition  
 7 purposes funding equal to the difference between the federal reimbursement for a free  
 8 lunch and the federal reimbursement for a reduced-price lunch for each publicly funded  
 9 student eligible for a reduced-price lunch and receiving lunch if the public school or  
 10 private school approved for tuition purposes meets the requirements of section 6602-A.

11 **Sec. 3. 20-A MRSA §6602, sub-§1, ¶H**, as amended by PL 2021, c. 759, Pt. D,  
 12 §3, is further amended to read:

13 H. A public school or a private school approved for tuition purposes, as defined in  
 14 section 1, subsection 23, that enrolls at least 60% publicly funded students as  
 15 determined by the previous year's October and April average enrollment and  
 16 participates in the National School Lunch Program in accordance with 7 Code of  
 17 Federal Regulations, Part 210 (2007) that serves breakfast shall provide a publicly  
 18 funded student who is ineligible for free or reduced-price meals under paragraph A a  
 19 meal that meets the requirements of the federal School Breakfast Program set forth in  
 20 7 Code of Federal Regulations, Part 220 (2007) at no cost to the publicly funded  
 21 student. The State shall provide to the public school or private school approved for  
 22 tuition purposes funding equal to the difference between the federal reimbursement for  
 23 a free breakfast and the ~~full-price of the~~ federal reimbursement for a full-price regular  
 24 breakfast for each publicly funded student ineligible for a free or reduced-price  
 25 breakfast and receiving breakfast if the public school or private school approved for  
 26 tuition purposes meets the requirements of section 6602-A.

27 **Sec. 4. 20-A MRSA §6602, sub-§1, ¶I**, as amended by PL 2021, c. 759, Pt. D, §4,  
 28 is further amended to read:

29 I. A public school or a private school approved for tuition purposes, as defined in  
 30 section 1, subsection 23, that enrolls at least 60% publicly funded students as  
 31 determined by the previous year's October and April average enrollment and  
 32 participates in the National School Lunch Program in accordance with 7 Code of  
 33 Federal Regulations, Part 210 (2007) that serves lunch shall provide a publicly funded  
 34 student who is ineligible for free or reduced-price meals under paragraph A a meal that  
 35 meets the requirements of the federal National School Lunch Program set forth in 7  
 36 Code of Federal Regulations, Part 210 (2019) at no cost to the publicly funded student.  
 37 The State shall provide to the public school or private school approved for tuition  
 38 purposes funding equal to the difference between the federal reimbursement for a free  
 39 lunch and the ~~full-price of the~~ federal reimbursement for a full-price lunch for each  
 40 publicly funded student ineligible for a free or reduced-price lunch and receiving lunch  
 41 if the public school or private school approved for tuition purposes meets the  
 42 requirements of section 6602-A.

43 **Sec. 5. 20-A MRSA §6602-A** is enacted to read:

44 **§6602-A. Federal funding for school food service programs**

1 **1. Condition of schools receiving state reimbursement for school lunch and school**  
 2 **breakfast. A public school or a private school approved for tuition purposes, as defined in**  
 3 **section 1, subsection 23, that receives state funding under section 6602, subsection 1,**  
 4 **paragraph B, D, H or I, shall maximize the amount of federal reimbursement funds that the**  
 5 **school receives in order to receive state funding equal to the difference between the federal**  
 6 **reimbursement for a free regular breakfast and the federal reimbursement for a reduced-**  
 7 **price regular breakfast and equal to the difference between the federal reimbursement for**  
 8 **a free lunch and the federal reimbursement for a reduced-price lunch, and funding equal to**  
 9 **the difference between the federal reimbursement for a free breakfast or lunch and the**  
 10 **federal reimbursement for a full-price breakfast or lunch for each publicly funded student**  
 11 **receiving breakfast or lunch. The public school or private school approved for tuition**  
 12 **purposes, if eligible for any provisional school food service program, including, but not**  
 13 **limited to, the community eligibility provision under the federal Healthy, Hunger-Free Kids**  
 14 **Act of 2010, Public Law 111-296, Section 104(a), shall maximize participation in that**  
 15 **provisional school food service program. The department shall determine whether the**  
 16 **school is maximizing federal reimbursement funds.**

17 **2. Department to communicate options to public schools and private schools to**  
 18 **maximize federal funding. The department shall annually communicate school food**  
 19 **service program options available to a public school or a private school approved for tuition**  
 20 **purposes, as defined in section 1, subsection 23, to the school for the school to maximize**  
 21 **federal funding in the school food service program. The department may provide technical**  
 22 **assistance to a public school or a private school approved for tuition purposes and may**  
 23 **contract with a 3rd-party entity.**

24 **3. School not eligible for state funding if school does not participate in National**  
 25 **School Lunch Program or provisional school food service program if eligible. A public**  
 26 **school or a private school approved for tuition purposes, as defined in section 1, subsection**  
 27 **23, that does not participate in the National School Lunch Program in accordance with 7**  
 28 **Code of Federal Regulations, Part 210 (2007) and does not participate in any provisional**  
 29 **school food service program, if eligible, or that chooses a provisional school food service**  
 30 **program option other than a school food service program option communicated to the**  
 31 **public school or private school approved for tuition purposes under subsection 2 by the**  
 32 **department may not receive state funding equal to the difference between the federal**  
 33 **reimbursement for a free breakfast and the federal reimbursement for a reduced-price**  
 34 **breakfast and equal to the difference between the federal reimbursement for a free lunch**  
 35 **and the federal reimbursement for a reduced-price lunch, and funding equal to the**  
 36 **difference between the federal reimbursement for a free breakfast or lunch and the federal**  
 37 **reimbursement for a full-price breakfast or lunch for each publicly funded student receiving**  
 38 **breakfast or lunch.**

39 **Sec. 6. Appropriations and allocations.** The following appropriations and  
 40 allocations are made.

41 **EDUCATION, DEPARTMENT OF**

42 **School Finance and Operations Z078**

43 Initiative: Provides funding pursuant to Public Law 2021, chapter 398, Part OOOO to pay  
 44 the difference between the federal reimbursement for a free breakfast or lunch and the full  
 45 price of a breakfast or lunch for each student in a public school and for publicly funded

COMMITTEE AMENDMENT "A" to S.P. 258, L.D. 577 (S.380)

1 students who attend an eligible private school that participates in the National School  
2 Lunch Program.

3	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
4	All Other	\$1,800,387	\$4,101,781
5			
6	<b>GENERAL FUND TOTAL</b>	<b>\$1,800,387</b>	<b>\$4,101,781</b>

7  
8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
9 number to read consecutively.

## 10 SUMMARY

11 This amendment replaces the bill and changes the title. The amendment provides that  
12 a public school or private school approved for tuition purposes that enrolls at least 60%  
13 publicly funded students and that participates in the National School Lunch Program in  
14 accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast and  
15 lunch must maximize the amount of federal reimbursement the school receives in order to  
16 receive state funding. The amendment requires the Department of Education to annually  
17 communicate school food service program options to participating schools to maximize  
18 federal funding in the school food service program. A school that does not enroll in a school  
19 food service program option provided by the department may not receive state funding.  
20 The amendment also provides state funding for eligible schools.

21 **FISCAL NOTE REQUIRED**  
22 (See attached)

**132nd MAINE LEGISLATURE****LD 577****LR 1496(02)****An Act to Address Student Hunger and Nutrition Through Expanded Access to Free Milk in Schools**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S.380)**  
**Committee: Education and Cultural Affairs**  
**Fiscal Note Required: Yes**

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**Fiscal Note**

	<b>FY 2025-26</b>	<b>FY 2026-27</b>	<b>Projections FY 2027-28</b>	<b>Projections FY 2028-29</b>
<b>Net Cost (Savings)</b>				
General Fund	\$1,800,387	\$4,101,781	\$4,101,781	\$4,101,781
<b>Appropriations/Allocations</b>				
General Fund	\$1,800,387	\$4,101,781	\$4,101,781	\$4,101,781

**Fiscal Detail and Notes**

This bill includes ongoing General Fund appropriations of \$1,800,387 in fiscal year 2025-26 and \$4,101,781 per year beginning in fiscal year 2026-27 to the Department of Education to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for each student in a public school and for publicly funded students that attend an eligible private school that participates in the National School Lunch Program.

This funding is also included in LD 210, the proposed budget for the 2026-2027 biennium. This General Fund appropriations included in this bill may need to be adjusted based on final legislative actions on the biennial budget.