

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-40)

HOUSE AMENDMENT "A " to H.P. 467, L.D. 484, Bill, "AN ACT to Amend the School Lunch and Milk Program."

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

'20 MRSA §1053, as last amended by PL 1975, c. 737, is repealed and the following enacted in its place:

§1053. Administration

1. Nutrition report. The commissioner may, to the extent that funds are available, conduct appraisals of the nutrition benefits of school lunch programs and report his findings to the State Board of Education.

2. Standards and regulations. The commissioner, with the authorization of the board, shall establish and maintain nutritional standards and regulations for all school food service programs.

A. The commissioner may establish training and educational standards and qualifications for positions of school food service program supervisors, managers and other school food service program employees.

3. Authority to operate food service programs. The school committee or board of directors of an administrative unit may establish, maintain and operate a school breakfast, milk or lunch program for the pupils in any school building under its jurisdiction

4. Required participation. The commissioner, with the authorization of the board, shall require all public schools to participate in the ~~national school lunch~~ program.

5. Management of food service programs; use of funds.

A. The school committee or board of directors of an administrative unit shall make all contracts to provide material, personnel and equipment necessary to carry out the National School Lunch Act and the Child Nutrition Act of 1966. They shall hire the necessary employees to manage and operate their school food service programs.

B. The school committee or board of directors of an administrative unit shall use funds disbursed to them under this subchapter, appropriations and other money received from the State for school food service programs, gifts received for school food service programs and the receipts from the sale of meals under these school food service programs for meeting the expenses incurred under paragraph A.

6. Type A meals. A public school shall make available meals which meet nutritional standards established by the United States Department of Agriculture for type A meals.

7. Advice and assistance. The commissioner may give technical advice and assistance to any school committee or board of directors in connection with the establishment and operation of school food service programs. He may assist in training personnel engaged in the operation of any food service program.

8. Exceptions. The following are exempt from the requirements of subsection 4:

A. An administrative unit which has been authorized by the commissioner under subsection 9 to postpone the establishment of a national school lunch program; and

B. All high schools limited to students in grades 9, 10, 11 and 12.

9. Application for postponement. An administrative unit, which had been authorized by the commissioner as of September 1, 1976, to postpone the establishment of a national school lunch program, may apply to the commissioner to postpone the establishment of the program for an additional 5 years. The commissioner, with the authorization of the board, may grant the requested postponement provided:

A. The school committee or board of directors of the administrative unit has held a public hearing on its proposed application; and

B. At least one of the following conditions is met:

(1) It has been documented to the commissioner's satisfaction that the administrative unit lacks space for the program;

(2) There is no appropriate alternative source of meals for the students; or

(3) The lack of a need for the program, as determined by the school committee or board of directors, is documented to the commissioner's satisfaction and was evident at the public hearing.

10. Annual review. The commissioner shall annually review the conditions in each of the administrative units which has been granted a postponement under subsection 9. If he finds that the conditions in an administrative unit have changed so that a postponement is no longer warranted, he may require that the administrative unit establish a national school lunch program at the start of the next school year.'

Statement of Fact

The purpose of this amendment is to clarify the responsibility of the local school committee and board of directors to regulate and supervise noon lunch, school milk and breakfast programs.

Filed by Mr. Lynch of Livermore Falls.

Reproduced and distributed under the direction of the Clerk of the House.

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