

# MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 788, L.D. 1032, Bill, "An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security Concerning Child Nutrition Services"

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

'An Act to Allow Unexpended Balances in Funds Appropriated for a School Breakfast Incentive Grants Program to Carry Forward into Subsequent Years to be Used for School Breakfast Grants to Schools'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 119th Legislature appropriated \$240,000 to the Department of Education and Cultural Affairs in Public Law 1999, chapter 401, Part KK to be used for a School Breakfast Incentive Grant Program; and

Whereas, that appropriation did not allow those funds to carry forward into subsequent fiscal years; and

2           **Whereas**, it is the desire of the Legislature that unexpended  
4 balances appropriated under Public Law 1999, chapter 401, Part KK  
6 carry forward into subsequent fiscal years and remain available  
for school breakfast incentive grants; and

8           **Whereas**, in the judgment of the Legislature, these facts  
10 create an emergency within the meaning of the Constitution of  
12 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore, '

14           Further amend the bill by striking out everything after the  
16 enacting clause and before the summary and inserting in its place  
the following:

18           '**Sec. 1. PL 1999, c. 401, Pt. KK** is amended to read:

20   **'PART KK**

22           **Sec. KK-1. School breakfast incentive grants.** Any school in  
24 which at least ~~30%~~ 20% of the students enrolled on October ~~1,~~  
1998 ~~1st of the most recent school year~~ were eligible for free or  
26 reduced-price meals qualifies for a one-time support grant of up  
to \$3,000 toward the cost of establishing a school breakfast  
program.

28           1. A school qualifying for a grant that chooses not to  
30 establish a school breakfast program shall file a report with the  
Department of Education explaining why it chose not to offer a  
school breakfast program.

32           2. Nothing in this section prevents a school not qualifying  
34 for a grant from implementing a school breakfast program at any  
time.

36           3. The Department of Education shall administer this  
38 section and manage the grant process. The department shall  
notify schools of their eligibility for a grant under this  
40 section. The department may adopt rules necessary for  
implementation of this section and for compliance with federal  
42 guidelines for the National School Breakfast Program. Rules  
adopted under this section are routine technical rules as defined  
44 in Title 5, chapter 375, subchapter II-A.

46           **Sec. KK-2. Application.** The grants provided under this Part  
48 are available ~~during--the--1999--2000--school--year~~ for eligible  
schools that did not offer a school breakfast program ~~during--the~~  
1998-1999 in the previous school year.

50

2 **Sec. KK-3. Appropriation.** The following funds are  
appropriated from the General Fund to carry out the purposes of  
this Part.

4 **1999-00**

6 **EDUCATION, DEPARTMENT OF**

8 **School Breakfast Program**

10 All Other \$240,000

12 Provides funds on a one-time basis for  
14 grants to eligible public schools to  
establish school breakfast programs. Funds  
16 appropriated under this section do not lapse  
18 but are carried forward and used for school  
breakfast incentive grants.

20 **Sec. 2. Retroactivity clause.** This Act applies retroactively to  
June 30, 2000.

22 **Emergency clause.** In view of the emergency cited in the  
24 preamble, this Act takes effect when approved.'

26 Further amend the bill by inserting at the end before the  
summary the following:

30 **FISCAL NOTE**

32 The bill retroactively adds carry-forward language to Public  
Law 1999, chapter 401, Part KK. That action would authorize the  
34 unobligated balance of \$139,230 that was available on June 30,  
2000 to be carried forward and used for school breakfast  
36 incentive grants. As of April 19, 2001, the unobligated balance  
of those funds was \$121,605. Absent the carry-forward language,  
38 any unobligated funds would lapse to the unappropriated surplus  
of the General Fund.'

42 **SUMMARY**

44 This amendment replaces the bill. The amendment  
46 retroactively amends an appropriation for a school breakfast  
incentive grant program included in a 1999 supplemental budget to  
48 allow unexpended balances in that account to carry forward from  
year to year to be used for school breakfast incentive grants.  
50 Without this retroactive amendment, those unexpended balances

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2 would lapse to the General Fund. This amendment does not  
appropriate any new money for that program. The amendment  
4 changes the standard determining which schools are eligible to  
participate in the program to that standard originally proposed  
in the bill. This amendment also adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**