

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

---

Legislative Document

No. 1997

S.P. 791

December 18, 2007

### **An Act To Fully Fund School Breakfast from Kindergarten to Grade 12**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.

Cosponsored by Representative FLOOD of Winthrop and Senators: BOWMAN of York, BRANNIGAN of Cumberland, ROTUNDO of Androscoggin, Representatives: CAIN of Orono, CRAVEN of Lewiston, MIRAMANT of Camden.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §6602, sub-§1**, as amended by PL 1991, c. 9, Pt. II, §3, is  
3 repealed and the following enacted in its place:

4 **1. Participation.** A public school shall participate in food service programs.

5 A. A public school shall participate in the National School Lunch Program in  
6 accordance with 7 Code of Federal Regulations, Part 210(2007) and provide Type A  
7 meals as determined by the United States Department of Agriculture.

8 B. A public school shall provide all children who are eligible for free and reduced-  
9 price meals under paragraph A, regardless of whether the school participates in the  
10 National School Lunch Program, a meal that meets the requirements of the federal  
11 School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220(2007)  
12 at no cost to the student. The State shall provide the funding for the costs of the  
13 program that are not reimbursed by the Federal Government.

14 **Sec. 2. 20-A MRSA §6602, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is  
15 amended to read:

16 **2. Exceptions.** The following ~~shall be~~ are exempt from subsection 1, paragraph A:

17 A. All secondary schools limited to students in grades 9, 10, 11 and 12; and

18 B. A school administrative unit authorized by the commissioner under subsection 9  
19 to postpone the establishment of the program.

20 **Sec. 3. 20-A MRSA §6602, sub-§6**, as enacted by PL 1981, c. 693, §§5 and 8, is  
21 amended to read:

22 **6. Nutrition report.** The commissioner may assess the nutritional benefits of school  
23 lunch programs and school breakfast programs and report to the state board.

24 **Sec. 4. 20-A MRSA §6602, sub-§8**, as amended by PL 1987, c. 395, Pt. A, §68,  
25 is further amended to read:

26 **8. Application for postponement.** An administrative unit, ~~which~~ that had been  
27 authorized by the commissioner to postpone the establishment of a National School  
28 Lunch Program; or a federal School Breakfast Program may apply to the commissioner  
29 for a renewal of the postponement. The commissioner may grant the requested  
30 postponement provided that:

31 A. The school board has held a public hearing on its proposed application; and

32 B. One of the following conditions is met:

33 (1) It has been documented to the commissioner's satisfaction that the  
34 administrative unit lacks space for the program and there is no appropriate  
35 alternative source of meals for the students;

1 (2) It is impossible for the administrative unit to contract for or to otherwise  
2 procure Type A meals or meals that meet the requirements of the federal School  
3 Breakfast Program for its students; or

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

7 If the postponement is granted for the conditions in paragraph B, subparagraphs (1) and  
8 (2), it ~~shall~~ must be for 3 years. If the postponement is granted for the condition in  
9 paragraph B, subparagraph (3), it ~~shall~~ must be for 4 years.

10 **Sec. 5. 20-A MRSA §6602, sub-§9**, as enacted by PL 1981, c. 693, §§5 and 8, is  
11 amended to read:

12 **9. Annual review of postponement.** The commissioner shall annually review the  
13 conditions in the school administrative units ~~which~~ that have been granted a  
14 postponement. On finding that the conditions in a unit have changed so that a  
15 postponement is no longer warranted, the commissioner may require that the unit  
16 establish a National School Lunch Program or a federal School Breakfast Program at the  
17 start of the next school year.

18 **Sec. 6. 22 MRSA §1511, sub-§6, ¶G**, as enacted by PL 1999, c. 401, Pt. V, §1,  
19 is amended to read:

20 G. Substance abuse prevention and treatment; and

21 **Sec. 7. 22 MRSA §1511, sub-§6, ¶H**, as enacted by PL 1999, c. 401, Pt. V, §1,  
22 is amended to read:

23 H. Comprehensive school health programs, including school-based health centers;  
24 and

25 **Sec. 8. 22 MRSA §1511, sub-§6, ¶I** is enacted to read:

26 I. Meals that meet the requirements of the federal School Breakfast Program that are  
27 provided by public schools for all children kindergarten to grade 12 who are eligible  
28 to receive free and reduced-price meals through the National School Lunch Program.

29 **Sec. 9. Appropriations and allocations.** The following appropriations and  
30 allocations are made.

31 **EDUCATION, DEPARTMENT OF**

32 **Fund for a Healthy Maine - School Breakfast Program (New)**

33 Initiative: Allocates funds from the Fund for a Healthy Maine for all public schools  
34 kindergarten to grade 12 to provide free breakfasts to those students who are eligible to  
35 receive free or reduced-price meals under the National School Lunch Program.

36

37 FUND FOR A HEALTHY MAINE	2007-08	2008-09
38 All Other	\$0	\$1,423,566

1  
2  
  
3  
4  
5  
6  
7  
8  
9  
10  
11

FUND FOR A HEALTHY MAINE TOTAL

---

\$0      \$1,423,566

**SUMMARY**

This bill requires public schools to provide all children who are eligible for free and reduced-price meals under the National School Lunch Program with a meal that meets the requirements of the federal School Breakfast Program at no cost to the student and requires the State to provide the funding for the costs of the program that are not reimbursed by the Federal Government. This bill includes an allocation from the Fund for a Healthy Maine for the costs to the State in fiscal year 2008-09 and adds the school breakfast program to the health-related initiatives that are eligible to receive funds from the Fund for a Healthy Maine.