

# MAINE STATE LEGISLATURE

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BMC  
P. 001

Date: 5/31/11

Minority

(Filing No. H-388)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 609, L.D. 813, Bill, "An Act To Require Every School Administrative Unit To Have a Food Service Director"

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

**'An Act To Improve the Administration of School Food Service Programs'**

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

**'Sec. 1. 20-A MRSA §6602, sub-§3, ¶B,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Shall hire the necessary employees to manage and operate their school food service programs. A school board shall designate a person to serve as the food service director. A food service director may be hired by more than one school administrative unit pursuant to a cooperative agreement entered into under chapter 113-A.

**Sec. 2. Commissioner of Education to develop qualifications for food service directors and provide assistance to school administrative units.** No later than January 15, 2012, the Commissioner of Education shall establish qualifications for food service directors through rulemaking under the Maine Revised Statutes, Title 20-A, section 6602, subsection 5. The commissioner may adopt rules that recognize experience and demonstrated skills in place of educational requirements.

The Department of Education shall facilitate the sharing of information among food service directors, including menus, nutritional information, cooperative buying opportunities and guidance on food safety regulations. The Commissioner of Education shall make a report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2012 consisting of the rules adopted pursuant to this section and actions taken to facilitate the sharing of information.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**COMMITTEE AMENDMENT**

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**Sec. 3. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 6602, subsection 3, paragraph B takes effect August 1, 2012.'

**SUMMARY**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It changes the requirement in the bill that a school board hire a professional food service director meeting certain qualifications to a requirement that a school board designate a person to serve as the food service director. It directs the Commissioner of Education to use existing rulemaking authority to establish qualifications for a food service director. It directs the Department of Education to facilitate the sharing of information among food service directors and to report to the Joint Standing Committee on Education and Cultural Affairs on these efforts. It adds an effective date of August 1, 2012 to the requirement that a school board designate a food service director.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 125th MAINE LEGISLATURE

LD 813

LR 1147(02)

## An Act To Require Every School Administrative Unit To Have a Food Service Director

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

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

**Required Activity**

Adds the requirement that school boards designate a person to serve as the food service director for the school administrative unit.

**Unit Affected**

School

**Local Cost**

Moderate limited scope

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

Additional costs to local school administrative units (SAU's) to have one person designated to serve as the food service director and the ability of the local SAU's to absorb those costs within existing resources can not be determined at this time and will depend on the qualifications for food service directors established by the Department of Education by rule. Information provided by the department indicates that 130 of the 184 total SAU's currently report someone as a food service director. The remaining 54 SAU's have someone that performs the duties, but that person may have another job title or perform other primary functions in addition to overseeing food service.

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