

MAINE STATE LEGISLATURE

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L.D. 2041

Date: 5/9/22

(Filing No. S-65)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1544, L.D. 2041, "An Act To Correct Errors in Recently Enacted Legislation"

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

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

Whereas, breakfast is the most important meal of the day and an adequate and healthy lunch is necessary to ensure that students can learn to the best of their abilities; and

Whereas, students in certain private schools that have chosen to participate in the National School Lunch Program may not have access to adequate and healthy breakfasts and lunches; and

Whereas, in order to provide money to pay for an expansion of the State's obligation to reimburse schools for the provision of adequate and healthy breakfasts and lunches, the fund from which the money is to come must not be allowed to lapse; and

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

Amend the bill by inserting after Part B the following:

PART C

Sec. C-1. 20-A MRSA §6602, sub-§1, ¶B, as amended by PL 2021, c. 398, Pt. OOOO, §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 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 student. The State shall provide to the

SENATE AMENDMENT

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1 public school or private school funding equal to the difference between the federal
2 reimbursement for a free breakfast and the federal reimbursement for a reduced-price
3 breakfast for each student eligible for a reduced-price breakfast and receiving
4 breakfast.

5 **Sec. C-2. 20-A MRSA §6602, sub-§1, ¶D**, as amended by PL 2021, c. 398, Pt.
6 OOOO, §2, is further amended to read:

7 D. A public school or a private school approved for tuition purposes, as defined in
8 section 1, subsection 23, that enrolls at least 60% publicly funded students as
9 determined by the previous year's October and April average enrollment and
10 participates in the National School Lunch Program in accordance with 7 Code of
11 Federal Regulations, Part 210 (2007) that serves lunch shall provide a student who is
12 eligible for free and reduced-price meals under paragraph A a meal that meets the
13 requirements of the federal National School Lunch Program set forth in 7 Code of
14 Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide
15 to the public school or private school funding equal to the difference between the
16 federal reimbursement for a free lunch and the federal reimbursement for a reduced-
17 price lunch for each student eligible for a reduced-price lunch and receiving lunch.

18 **Sec. C-3. 20-A MRSA §6602, sub-§1, ¶H**, as enacted by PL 2021, c. 398, Pt.
19 OOOO, §3, is amended to read:

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

31 **Sec. C-4. 20-A MRSA §6602, sub-§1, ¶I**, as enacted by PL 2021, c. 398, Pt.
32 OOOO, §4, is amended to read:

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

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SENATE AMENDMENT "A" to H.P. 1544, L.D. 2041 (S-651)

1 Publicly Funded Students at Private Academies program, Other Special Revenue Funds
2 account within the Department of Education on June 30, 2022.

3 This amendment adds an emergency preamble and an emergency clause that results in
4 the effective date of the Act being 90 days from the adjournment of the Second Regular
5 Session of the 130th Legislature, except for the provision that requires the State Controller
6 to transfer the funds to a newly established Meals for Publicly Funded Students at Private
7 Academies program, Other Special Revenue Funds account within the Department of
8 Education on June 30, 2022.

9 SPONSORED BY:  _____

10 (Senator BAILEY, D.)

11 COUNTY: York

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



130th MAINE LEGISLATURE

LD 2041

LR 2726(03)

An Act To Correct Errors in Recently Enacted Legislation

Fiscal Note for Senate Amendment "A" to Original Bill (S-651)

Sponsor: Sen. Bailey of York

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$500,000	\$0	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$500,000	\$0	\$0
Transfers				
General Fund	(\$500,000)	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This amendment provides for free breakfast and lunch for those eligible students that attend a private school approved for tuition purposes that enrolls 60% or more publicly funded students that has opted to participate in the National School Lunch Program that are ineligible for a free or reduced-priced breakfast or lunch beginning in the 2022-2023 school year.

This amendment repeals the requirement in Title 5, section 157, subsection 2 that the State Controller transfer any funds remaining in the Loan Guarantee Program Fund within the Office of the Treasurer to the unappropriated surplus of the General Fund on June 30, 2022 and instead requires the State Controller to transfer the remaining funds to a newly created Meals for Publicly Funded Students at Private Academies, Other Special Revenue Funds account within the Department of Education on June 30, 2022 to support the cost of the free meals. The current balance in the Loan Guarantee Program Fund is \$500,000 and this fiscal note assumes that amount will be transferred. The amendment includes a one-time Other Special Revenue Funds allocation of \$500,000 in fiscal year 2022-23 to authorize expenditures for the program.