

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1128

S.P. 465

In Senate, March 9, 2023

**An Act to Address Student Hunger and Nutrition Through
Expanded Access to Free Milk in Schools**

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.
Cosponsored by Representative MILLETT of Cape Elizabeth and
Senators: INGWERSEN of York, LIBBY of Cumberland, MOORE of Washington, RENY of
Lincoln, Representatives: OSHER of Orono, WHITE of Waterville, ZAGER of Portland.

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

3 **Whereas,** one in 4 children in Maine are at risk of hunger; and

4 **Whereas,** recent amendments to the school food service program laws do not
5 specifically address the provision of milk to a student who does not receive a lunch through
6 a program; and

7 **Whereas,** schools have interpreted the amendments to those laws as not including the
8 provision of free milk to such students; and

9 **Whereas,** some schools have accordingly begun providing free milk to all students
10 out of their own budgets while others require these students to purchase milk; and

11 **Whereas,** the immediate resolution of this statutory ambiguity is necessary to ensure
12 equal treatment of students within Maine schools; and

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

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

18 **Sec. 1. 20-A MRSA §6602, sub-§1-A** is enacted to read:

19 **1-A. Milk.** A public school that participates in the National School Lunch Program
20 must provide free milk to a student during the student's lunch regardless of whether that
21 student receives a lunch through that program. The State shall provide to the public school
22 funding equal to the cost of milk for students who do not receive a meal through the
23 National School Lunch Program.

24 **Sec. 2. 20-A MRSA §6662, sub-§2,** as amended by PL 2011, c. 224, §1, is further
25 amended to read:

26 **2. Food and beverages outside school lunch programs.** The department shall adopt
27 rules to establish standards for food and beverages sold or distributed on school grounds
28 but outside of school meal programs. These standards must include maximum portion
29 sizes, except for portion sizes for milk, that are consistent with federal school nutrition
30 standards. The rules and standards must also require schools that participate in a school
31 lunch program to provide free milk to a student, regardless of whether the student receives
32 a lunch through the program or brings a lunch. Rules adopted pursuant to this subsection
33 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

34 Rules adopted pursuant to this subsection do not apply to food and beverages sold or
35 offered at community events or fund-raisers held outside the hours of the normal school
36 day and to products prepared in culinary arts programs provided by career and technical
37 schools and programs.

38 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
39 takes effect when approved.

SUMMARY

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This bill changes the school food service program laws to require participating public schools to provide free milk to all students, regardless of whether they receive a lunch through the program or bring their own lunch. The bill also requires the Department of Education's rules and standards about food and beverages outside school lunch programs to reflect the requirement for free milk.