Reproduced and distributed under the direction of the Secretary of the Senate. STATE OF MAINE SENATE 130TH LEGISLATURE SECOND REGULAR SESSION SENATE AMENDMENT " 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 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 breakfast 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; 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 or 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.	1	L.D. 204
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public school <u>or private school</u> funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast.

- **Sec. C-2. 20-A MRSA §6602, sub-§1, ¶D,** as amended by PL 2021, c. 398, Pt. OOOO, §2, is further amended to read:
 - D. 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 lunch 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 National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.
- **Sec. C-3. 20-A MRSA §6602, sub-§1, ¶H,** as enacted by PL 2021, c. 398, Pt. OOOO, §3, is amended to read:
 - H. 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 ineligible for free or 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 public school or private school funding equal to the difference between the federal reimbursement for a free breakfast and the full price of the breakfast for each student ineligible for a free or reduced-price breakfast and receiving breakfast.
- **Sec. C-4. 20-A MRSA §6602, sub-§1, ¶I,** as enacted by PL 2021, c. 398, Pt. OOOO, §4, is amended to read:
 - I. 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 lunch shall provide a student who is ineligible for free or reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free lunch and the full price of the lunch for each student ineligible for a free or reduced-price lunch and receiving lunch.

Sec. C-5. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Meals for Publicly Funded Students at Private Academies N419

Initiative: Allocates one-time funds to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for publicly funded students that attend a private school approved for tuition purposes that enrolls 60% or more publicly funded students that are ineligible for a free or reduced-price breakfast or lunch.

OTHER SPECIAL REVENUE FUNDS All Other	2021-22 \$0	2022-23 \$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500,000

PART D

- **Sec. D-1. 5 MRSA §157, sub-§2,** as enacted by PL 2019, c. 617, Pt. I, §1, is amended to read:
- **2. Termination; repeal.** The fund is terminated on June 30, 2022. Upon the termination of the Loan Guarantee Program, the State Controller shall transfer any funds remaining in the fund to the unappropriated surplus of the General Fund Meals for Publicly Funded Students at Private Academies program, Other Special Revenue Funds account within the Department of Education.
 - **Sec. D-2. Effective date.** This Part takes effect when approved.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect 90 days after the adjournment of the Second Regular Session of the 130th Legislature, except as otherwise indicated.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

30 SUMMARY

This amendment adds students in private schools that enroll at least 60% publicly funded students and that participate in the National School Lunch Program to the State's school lunch and milk program and requires the State to provide funding to those private schools in an amount equal to the difference between the federal reimbursement for a free or reduced-price meal for each student eligible for and receiving a free or reduced-price meal and the full price of the meal for each student ineligible for and receiving a free or reduced-price meal.

This amendment amends the provision of law that requires the State Controller to transfer any remaining funds in the Loan Guarantee Program Fund within the Office of the Treasurer of State to the unappropriated surplus of the General Fund on June 30, 2022 to instead require the State Controller to transfer the funds to a newly established Meals for

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1 2	Publicly Funded Students at Private Academies program, Other Special Revenue Funds 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