

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

S.P. 472 - L.D. 1353

An Act To Further Reduce Student Hunger

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §6602, sub-§1, ¶C,** as enacted by PL 2011, c. 379, §4, is amended to read:

C. A school administrative unit ~~may~~ shall participate in the federal summer food service program for children established in 42 United States Code, Section 1761 as required under this paragraph. The commissioner shall assist school administrative units subject to the requirements of this paragraph in developing a plan to participate in the federal summer food service program for children and in obtaining federal, state and private funds to pay for this program. Beginning with the ~~2011-2012~~ 2013-2014 school year, a school administrative unit with at least one public school in which ~~the percentage at least 50% of students who qualify~~ qualified for a free or reduced-price lunch ~~is determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program described in paragraph A may~~ during the preceding school year shall participate in the federal summer food service program for children in accordance with 42 United States Code, Section 1761 during the following summer vacation, subject to the ~~following phase in schedule:~~ provisions of this paragraph.

~~(1) For the summer following the 2011-2012 school year, a school administrative unit with at least one public school in which at least 75% of students qualified for a free or reduced-price lunch in the 2011-2012 school year may participate in the federal summer food service program;~~

~~(2) For the summer following the 2012-2013 school year, a school administrative unit with at least one public school in which at least 65% of~~

~~students qualified for a free or reduced-price lunch in the 2012-2013 school year may participate in the federal summer food service program; and~~

~~(3) For the summer following the 2013-2014 school year and each subsequent school year, a school administrative unit with at least one public school in which at least 50% of students qualified for a free or reduced-price lunch in that school year may participate in the federal summer food service program.~~

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit is required to operate the federal summer food service program only on days that the public school operates the summer educational or recreational program. The school administrative unit may collaborate with a service institution to operate the federal summer food service program.

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year that does not operate a summer educational or recreational program shall collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

Notwithstanding this paragraph, a school administrative unit that is required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operating such a program would be financially or logistically impracticable.

For purposes of this paragraph, "service institution" means a public or private nonprofit school, a municipal or county government, a public or private nonprofit higher education institution or a private nonprofit summer camp.