



Maine Municipal Association

MEMBERSHIP ELIGIBILITY BROCHURE



MMA OVERVIEW

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine. MMA is a non-profit, non-partisan organization governed by an Executive Committee elected from its member municipalities. Founded in 1936, MMA is one of 49 similar state municipal leagues which, together with the National League of Cities, are recognized at all governmental levels for providing valuable services and advocating for collective municipal interests.

MMA is involved in a wide array of activities and enterprises with one common denominator – service. MMA’s membership consists of **Municipal Members** entitled to all services and eligible to participate in MMA voting and policy processes; and **Associate Members** entitled to limited services and not eligible to participate in MMA voting and/or policy processes. The Maine Municipal Association also offers **Affiliate status** and **Patron status** to entities and/or individuals seeking limited access and benefits (please see the MMA website for further information).

GUIDELINES FOR MEMBERSHIP ELIGIBILITY & SERVICES AVAILABLE

MUNICIPAL MEMBERSHIP

Municipal membership is open to any Maine city, town or plantation, including any entity that is treated as a municipality under Maine law.

Municipal Membership extends to all departments and direct subdivisions of a municipal government. In some instances a question arises as to whether a particular entity will be treated as an arm of the municipality for purposes of MMA Municipal Membership and eligibility to participate in the MMA group self funded programs. For a municipal entity to be considered part of a municipality, the following minimum criteria must be met:

1. The Board of Selectmen, Council, or a designated municipal administrator must appoint or confirm, or the citizens of the municipality must elect, the individuals responsible for planning, organizing, and staffing the activity.
2. The Board of Selectmen or Council must have ultimate authority and oversight over the activity. The Board or Council, or a municipal manager appointed by the Board or Council, or an elected municipal official must have jurisdiction over hiring, safety issues, and cash management policies and procedures.
3. All funds that are collected and disbursed for the activity must be accounted for in the municipality’s annual audit and overseen by the municipal treasurer.
4. The entity must not be a separate legal entity apart from the municipality, such as a non-profit corporation.

With regard to Fire Protection Associations, MMA treats certain volunteer fire companies and fire protection associations as the equivalent of a municipal department eligible through the municipality’s membership. To be eligible, the fire company must constitute a “Volunteer Fire Association” within the meaning of 30-A M.R.S.A. § 3151(3), in that it is “an organized firefighting unit incorporated under ... Title 13-B, and which is officially recognized by the municipality.” As the municipality’s designated firefighting unit, the fire company must provide fire protection services under the direct

authority of the municipality and its fire chief. Determinations of eligibility, including eligibility to participate in the various group self funded programs, are made on a case-by-case basis.

Services Available to Municipal Members:

Municipal Members have full access to all MMA services and programs and receive discounted rates on training, publications, etc.

Municipalities are also eligible to participate in all of MMA’s group self funded programs, including the Health Trust programs, the Unemployment Compensation Fund Program, the Workers’ Compensation Fund Program and the Property and Casualty Pool Program.

ASSOCIATE MEMBERSHIP

Associate membership is open to any county, any quasi-municipal corporation including but not limited to any utility district, school administrative unit, regional planning commission, or council of governments in Maine, and to any other entity that meets the definition of “political subdivision” as defined in 14 M.R.S.A. § 8102(3), or the definition of “state” as defined in 14 M.R.S.A. § 8102(4).

Maine statute defines “political subdivision” to include, “any administrative entity or instrumentality created pursuant to Title 30-A, chapters 115 and 119, incorporated fire fighting unit that is organized under Title 13-B and is officially recognized by any authority created by statute, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, school district of any type, any volunteer fire association as defined in Title 30-A, section 3151, a transit district as defined in Title 30-A, section 3501, subsection 1, a regional transportation corporation as defined in Title 30-A, section 3501, subsection 2, and any emergency medical service.”

The statute defines “state” to include, “any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, include the Maine Turnpike Authority, the Maine Port Authority, The Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans’ Home, the Maine State Retirement System, the Maine Military Authority, and all such other state entities.”

Associate membership is also open to any Maine non-profit corporation which is organized and operated solely to provide essential governmental functions or services that lessen the burden of government, including organizations that:

1. Perform government services;
2. Provide financial assistance or services directly to governmental units to assist such governmental unit in performing its functions; or
3. Provide necessary public services that would otherwise be an expense of the government.

Such organizations shall perform or fund an activity that the governmental unit considers to be its burden, and by its activity thereby lessens the burden of the governmental unit.

As an example of eligible non-profit corporations, MMA has typically found that local non-profit public libraries qualify for Associate membership because they provide services that lessen the burden of government in that such entities “provide necessary public services that would otherwise be an expense of government.” Such determinations are made on a case-by-case basis.

Services Available to Associate Members:

The primary reason for an entity to seek Associate Membership is to have an opportunity to participate in MMA administered group self-funded programs. *(Please note that qualifying for Associate Membership does not guarantee eligibility to participate in the group self-funded programs; each program has its own eligibility guidelines.)* Programs available include:

Maine Municipal Employees Health Trust

- Health Plans
- Dental Plan
- Voluntary Vision Plan
- Long-Term & Short Term Disability Plans
- Life Insurance
- Wellness Works (health education and incentive programs)

MMA Risk Management Services

- Unemployment Compensation Fund
- Workers' Compensation Fund
- Property & Casualty Pool

Other added value benefits include:

- Access to the wealth of information contained on the MMA website at www.memun.org including access to the restricted areas and bulk purchasing programs available only to our members.
- Access to inquiry services on labor relations, personnel, human resources, state and federal programs, and other general technical assistance and information. *(Please note that this does not include access to the advisory legal opinions, which cannot be rendered as part of the Associate Membership services due to possible conflicts of interest with the member municipalities.)*
- Access to fee-based, professional services at the same rate available to municipal members. These fee-based services include: labor contract negotiations, executive search assistance, personnel audits, pay classification studies, job promotion testing, performance evaluations and general personnel rules and regulations.
- Access to research publications at the same rate available to municipal members. These include:
 - One subscription to the Maine Townsman, published monthly;
 - Attendance at MMA conferences and workshops at the same registration fee available to municipal members;
 - One subscription to the Legislative Bulletin, published each week during legislative sessions; and
 - One MMA Municipal Directory, published annually.

GUIDELINES FOR ELIGIBILITY IN THE GROUP & SELF INSURED PROGRAMS

The following provides guidelines relating to the membership eligibility and participation in the various group and self-funded programs offered by the Maine Municipal Association (MMA) and the Maine Municipal Employees Health Trust (MMEHT). Each of the programs may also apply underwriting guidelines with respect to an entity's participation.

Maine Municipal Employees Health Trust Programs

To be eligible to participate in the MMEHT programs, an entity must be a Municipal Member or Associate Member of Maine Municipal Association. In addition, the MMEHT Declaration of Trust requires that to be eligible, an entity must be one of the following types of entities: a municipality, county, quasi-municipal corporation, utility district, public school district of any type, regional planning commission, council of government or "such other quasi-municipal entities as shall be permitted by the Board of Trustees." Legal Counsel to the MMEHT has defined the term "quasi-municipal entity" to mean a non-profit corporation that is "established to and actually performs a 'municipal function,' which is defined to include the provision of governmental or quasi-governmental services for the general public."

While the MMEHT Declaration of Trust permits school administrative districts, school unions and community school districts to participate in the MMEHT programs, it is not clear that such school entities are statutorily permitted to participate. Specifically, under 20-A M.R.S.A. § 1001(5), school boards of such units may not have authority to enroll in self-funded health plans. Given this uncertainty, the MMEHT Board of Trustees has determined that MMEHT shall not allow school units to participate in the Health Trust medical plans unless and until there is a legislative or judicial clarification confirming the authority of such units to participate.

MMA Unemployment Compensation Fund Program

The Unemployment Compensation Fund Program Participation Agreement provides that participation in the Fund Program is available to MMA Municipal and Associate Members with no further eligibility requirements.

MMA Workers' Compensation Fund Program

The Workers' Compensation Fund Declaration of Trust restricts eligible member participants to "political subdivisions" as defined in 14 M.R.S.A. § 8102(3), and to "such other quasi-municipal entities as the Board of Trustees may permit. The statutory definition of "political subdivision" includes:

Any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30-A, chapters 115 and 119, incorporated fire fighting unit that is organized under Title 13-B and is officially recognized by any authority created by statute, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, school district of any type, any volunteer fire association as defined in Title 30-A, section 3151, a transit district as defined in Title 30-A, section 3501, subsection 1, a regional transportation corporation as defined in Title 30-A, section 3501, subsection 2, and any emergency medical service.

MMA Property and Casualty Pool Program

The Property & Casualty Pool Contract Agreement limits eligible membership in the Property & Casualty Pool to any city, town or plantation that is an MMA Municipal Member and to any MMA Associate Member that meets the definition of "political subdivi-

vision” in 30 M.R.S.A. § 1972. 30 M.R.S.A. §1972, now 30-A M.R.S.A. § 2252, defines “political subdivision” to include: “any ... county, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, municipal transmission and distribution utility and school administrative unit.” 30-A M.R.S.A. § 2351(4) defines “quasi-municipal corporation” to include “any governmental unit that includes a portion of a municipality, a single municipality or several municipalities and which is created by law to deliver public services but which is not a general purpose governmental unit.”

FORMATION GUIDELINES

MMA sometimes receives requests for advice on how to form public entities in a manner that will ensure that the entity qualifies for MMA membership or for participation in particular group and self-insured programs. MMA does not provide legal advice in response to specific inquiries. In addition, each application for membership must be evaluated on its own merits based on the individual circumstances and nature of the entity. However, the following guidelines may be helpful in understanding the factors MMA considers in determining eligibility.

Eligibility issues related to MMA Associate Member status, often turn on whether the entity qualifies as a quasi-municipal corporation or an eligible non-profit corporation. 30-A M.R.S.A. § 2351(4) defines “quasi-municipal corporation” to include “any governmental unit that includes a portion of a municipality, a single municipality or several municipalities and which is created by law to deliver public services but which is not a general purpose governmental unit.” The critical issue in creating a “quasi-municipal corporation” is that it be created by law, by action of the Legislature or by the municipal legislative body or some other public body, rather than by private action. Eligible non-profit corporations must provide essential governmental services or functions, not simply charitable work, that is of benefit to the public. The service or function performed by the non-profit must be a function that government would otherwise be obligated or expected to perform, such that the non-profit’s activities actually lessen the burden of government.

Eligibility for participation in the MMEHT programs often turns on whether the entity meets the test for a “quasi-municipal entity,” specifically whether it “actually provides governmental or quasi-governmental services for the general public.” This definition is somewhat subjective. If the entity can be created as a district or as a quasi-municipal corporation (through action of the Legislature or of the municipal legislative body), its eligibility is more certain.

Eligibility for participation in the MMA Workers’ Compensation Fund requires that the entity be a “political subdivision” as defined in the Maine Tort Claims Act, 14 M.R.S.A. §8102(3). Privately created non-profit entities will not qualify. The entity must be created by public action, such as a quasi-municipal corporation, a district, or through an Interlocal Agreement or a Regional Council.

Eligibility for participation in the MMA Property & Casualty Pool is governed by the applicable statute (30-A M.R.S.A. § 2252) and is the most narrow eligibility test. An entity other than a town, city or county must qualify as a quasi-municipal corporation or special purpose district, and it must be created by public action. Privately created non-profit corporations do not qualify.

APPLICATION PROCESS

The above information provides general guidelines to assist in determining if an entity may qualify for membership status with the Maine Municipal Association and to participate in the various group self-insured programs. Please forward your MMA Associate Member Application, all appropriate supporting documentation (see application form) and the non-refundable application fee of \$250. The application will then be processed and legal determination made by MMA Corporate Counsel (Bernstein Shur Sawyer & Nelson). Applications for membership should be submitted to the Maine Municipal Association as noted below. Please allow 3-4 weeks for the membership eligibility legal review. If your organization does qualify for membership, the \$250 application fee will be applied toward the current years’ pro-rated annual membership dues.

If you have any general questions relating to the application process or as to whether your organization qualifies for membership with the Maine Municipal Association, please contact:

Theresa Chavarie, Manager
Member Relations & Executive Office
Maine Municipal Association
60 Community Drive
Augusta, ME 04330
Tel: (207) 623-8428 ext. 2211 • Fax: (207) 626-3358
E-mail: tchavarie@memun.org