



## **GUIDELINES FOR MEMBERSHIP ELIGIBILITY & SERVICES**

### **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 Title 14 M.R.S. §8102(3), or the definition of “State” as defined in Title 14 M.R.S. §8102(4).

Title 14 M.R.S. §8102(3) defines “Political subdivision” to include: “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, an airport authority established pursuant to Title 6, Chapter 10, any volunteer fire association as defined in Title 30-A, §3151, a transit district as defined in Title 30-A, §3501, sub§ 1, a regional transportation corporation as defined in Title 30-A, §3501, sub§ 2, a transit district or regional transportation corporation formed under the laws of another state that would qualify as a transit district or regional transportation corporation under Title 30-A, Chapter 163, if formed under the laws of this State and any emergency medical service.”

Title 14 M.R.S. §8102(4) defines “State” to include: “any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including 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 Public Employees Retirement System, the Maine Military Authority, and all such other state entities.”

As stipulated in the MMA Bylaws:

“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:

- a. actually perform government services;
- b. provide financial assistance or services directly to

governmental units to assist such governmental unit in performing its functions; or

- c. provide necessary public services that would otherwise be an expense of the government.

Such an organization 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.”

We are providing guidelines which may be helpful in understanding the factors MMA corporate counsel considers in determining eligibility for membership and participation in each of the programs.

Eligibility determinations are made on a case-by-case basis and involve review of the non-profit entity’s articles of incorporation, bylaws, annual reports, programs and services, and audited financial information. To assist in this review, non-profit entities should include documentation that includes full narratives of the entity’s programs and services; annual reports or brochures; financial information, including audited financial statements that indicate all sources of revenue and expenditures by individual programs or services; any written agreement between the non-profit entity and a municipality or other governmental unit; and other relevant information. Although no one factor alone is conclusive, historically the amount and nature of municipal or governmental funding provided to the non-profit entity has been important in determining whether the entity qualifies for Associate Membership.

As an example of eligible non-profit corporations, MMA has typically found that local non-profit public libraries qualify for 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.” A non-profit corporation that provides public service that enriches the lives of the community’s citizens (similar to YMCAs) typically would NOT qualify for membership unless a majority of the entity’s revenues are funded by local government and/or county, state or federal programs.

MMA does NOT provide legal advice on how to form public entities in a manner that will ensure that an entity qualifies for membership or participation in the group insurance and self-funded programs.

## 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 insurance and self-funded programs. Please note that qualifying for Associate Membership does not guarantee eligibility to participate in all group insurance and self-funded programs; each program has its own eligibility guidelines.

Group Insurance and Self-Funded Programs include:

### Maine Municipal Employees Health Trust

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

### MMA Risk Management Services

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

Added Value Benefits include:

Access to the wealth of information contained on the MMA website at [www.memun.org](http://www.memun.org), including access to the restricted areas, and bulk purchasing programs available only to our Members. With a registered web account, members are also able to post information to all online services.

Attendance at MMA conferences and workshops at the same registration fee available to Municipal Members.

Access to research publications at the same rate available to Municipal Members. These research publications include:

- One subscription to *Maine Town & City*, published monthly;
- One subscription to the *Legislative Bulletin*, published each week during legislative sessions; and
- One *MMA Municipal Directory*, published annually.
- Access to the MMA Salary Survey database is available for a one-time fee of \$100.

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 MMA advisory legal opinions, which cannot be rendered as part of the Associate Member services due to possible conflicts of interest with Municipal Members.)*

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.

## GUIDELINES FOR ELIGIBILITY IN GROUP INSURANCE AND SELF-FUNDED PROGRAMS

The following provides guidelines relating to the membership eligibility and participation in the various group insurance and self-funded programs offered by the Maine Municipal Association (MMA) and the Maine Municipal Employees Health Trust (MMEHT). Each of the group insurance and self-funded 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: municipalities, counties, quasi-municipal corporations, utility districts, public school districts of any type, regional planning commissions, councils of government or "such other quasi-municipal entities as shall be permitted by the Board of Trustees."

MMEHT Legal Counsel 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."

Due to financial, operational and fiduciary concerns, the MMEHT Board of Trustees does not permit the participation of school administrative units, as defined by Title 20-A M.R.S. §1(26), in the MMEHT's health plans."

Eligibility determinations 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.

### MMA UNEMPLOYMENT COMPENSATION FUND PROGRAM

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

### **MMA WORKERS COMPENSATION FUND PROGRAM**

The Workers Compensation Fund Declaration of Trust restricts eligible member participants in the Fund to “political subdivisions” as defined in Title 14 M.R.S. §8102(3), and to “such other quasi-municipal entities as the Board of Trustees may permit.”

Title 14 M.R.S. §8102(3), defines “Political subdivision” to include “any city, town, plantation, county, administrative entity or instrumentality created pursuant to Title 30-A, Chapters 115 and 119, incorporated firefighting 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, an airport authority established pursuant to Title 6, Chapter 10, any volunteer fire association as defined in Title 30-A, §3151, a transit district as defined in Title 30-A, §3501, sub§ 1, a regional transportation corporation as defined in Title 30-A, §3501, sub§ 2, a transit district or regional transportation corporation formed under the laws of another state that would qualify as a transit district or regional transportation corporation under Title 30-A, Chapter 163 if formed under the laws of this State and any emergency medical service.”

Eligibility determinations for participation in the MMA Workers Compensation Program are based on how the entity was created. The entity must be created by public action, such as a Quasi-municipal corporation, a district, or through an Interlocal Agreement or Regional Council. Privately created non-profit entities will not qualify for participation.

### **MMA PROPERTY AND CASUALTY POOL PROGRAM**

The Property & Casualty Pool Contract Agreement limits eligible membership in the Pool to any city, town or plantation that is a Municipal Member and to any Associate Member that meets the definition of “political subdivision” as defined in Title 30 M.R.S. §1972, (now Title 30-A M.R.S. §2252).

Title 30-A M.R.S. §2252, defines “Political subdivision” to include: “any municipality, plantation, 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.”

Title 30-A M.R.S. §2351(4), defines “Quasi-municipal corporation or district” 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. Quasi-municipal corporation or district does not include School Administrative Districts or hospital districts.”

Eligibility determinations for participation in the MMA Property & Casualty Pool Program are governed by the applicable statute (Title 30-A M.R.S. §2252), and are 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 participate in the various group insurance and self-insured programs. Please forward your MMA Associate Member Application, all appropriate supporting documentation (see application form) and the non-refundable application fee to the address shown below. The application will then be processed and legal determination made by MMA Corporate Counsel.

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 application fee will be applied toward the current year’s pro-rated annual membership dues.

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

Kelly Maines  
Executive Office Administrative Coordinator  
Tel: (207) 623-8428 ext. 2241  
E-mail: [kmaines@memun.org](mailto:kmaines@memun.org)



60 Community Drive | Augusta, Maine 04330 | www.memun.org | 1-800-452-8786 | 207-623-8428

Legal Entity Name: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Date Needed: \_\_\_\_\_

Entity Key Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

(Ext) \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Website: \_\_\_\_\_

MMA Staff Contact (if any): \_\_\_\_\_

**TYPE OF REQUEST:**

- Associate Membership Status (in order to participate in group and self-funded programs)
- Participation in group and self-funded programs under **municipality's** coverage

**SUPPORTING DOCUMENTS:**

Please attach a memo providing an overview of the request, discussions held to date, and comments that would be helpful to MMA Corporate Counsel during the Membership Eligibility Legal review. Please check all below that apply and provide copies of appropriate documentation establishing the existence and purpose of the above-named entity. Thank you.

- Bylaws
- Articles of Incorporation
- Inter-local Agreement
- Secretary of State - Corporate Status/Annual Report
- Documentation showing that the entity is established by Private or Special Act of the State Legislature
- Legislative action by one or more municipalities to create or financially support the entity
- Agreements between entity and municipality(s)
- Non-profit corporations which are organized and operated solely to provide essential governmental functions or services that lessen the burden of government, should provide documentation that includes:
  - (1) full narratives of the entity's programs and services; (2) annual reports or brochures;
  - (3) financial information, including audited financial statements that indicate all sources of revenue and expenditures by individual programs or services; (4) any written agreement between the non-profit entity and a municipality or other governmental unit; and
  - (5) other relevant information.

**APPLICATION FEE:**

- \$250.00

**PLEASE SEND APPLICATION AND PAYMENT TO:**

Maine Municipal Association  
Executive Office  
60 Community Drive, Augusta, ME 04330