

**LD 1010**     **An Act To Establish the Maine Service Fellows Program**  
To:            Members, Joint Standing Committee on State and Local Government  
From:         Lynne Caswell, Esq., Legislative Analyst  
Date:         April 14, 2021

*electronic file*     <http://legislature.maine.gov/ctl/SLG/04-07-2021?panel=3&time=1&sortdir=0&sortby=2>

### SUMMARY

This bill establishes the Maine Service Fellows Program under the Maine Commission for Community Service (aka Volunteer Maine). The program is designed to engage program participants, referred to as "program fellows," in devoting a year of service to Maine communities. The commission is directed to seek to design and implement the program in a manner that will increase the opportunities for citizens to devote a year of service to Maine communities; attract to and retain in Maine motivated adults who have completed a college degree within the prior 5 years to apply their skills and abilities to projects for the benefit of Maine citizens; provide rural and underserved Maine communities a resource to address critical health and human, public safety, education and environmental needs; and strengthen civic engagement of both the program fellows and community residents through solutions based in whole or in part in volunteer service. To the extent funds are available, program fellows receive a stipend, a completion bonus and other benefits.

### TESTIMONY<sup>1</sup>

**Sponsor:** Rep Rielly

- Fills a gap in program services in rural areas
- Health, public safety, education, environment needs
- Keeps recent grads in state
- Creates connections in community
- American Rescue Plan funds<sup>2</sup>

**Cosponsors:** Rep Cloutier (written only: Speaker Fecteau; Sen. Moore)

- Housing, substance use prevention and recovery; mental health; workforce development
- 3:1 return on investments

**Proponents** USM by Samantha Warren; MMA by Rebecca Graham; Island Institute by Nick Battista; Volunteer Maine by F. Celeste Branham, ED; MaryAlice Crofton; United Way of the Tri-Valley Area by Lisa Laflin, ED; Ben Algeo; John Portela; Rev. Shirley Bowen; Orion Breen; Kendra Chubbuck (written only: Alexandria Brasili; Christine Keller; Edward Barrett; Educate Maine by Katherine Howell; Kimberly Radley; Ronald Holmes; Maine Commission for Community Services by Edward A Barrett, Commissioner)

**Opponents:** none

**NFNA:** none

<sup>1</sup> The section is not intended to reflect all comments and may include unintentionally errors.

<sup>2</sup> [US-Treasury-Summary](#) and [NCSL/The-American-Rescue-Plan-Act-Provisions.pdf](#)

## INFORMATION REQUESTS

USM AMENDMENT – language not needed as benefit is already available

**3. Compensation.** To the extent funds are available, the commission shall ensure that program fellows receive the following compensation for service:

A. A stipend set by the commission to achieve an annual income of up to 212% of the nonfarm income official federal poverty level. To the extent the stipend is paid from the General Fund or any other account of the commission, personal liability insurance and workers' compensation insurance, paid for from the same source of funds, must also be provided. Notwithstanding any law to the contrary, program fellows are not employees of the State for the purposes of Title 5, Part 20;

B. A program completion bonus that includes:

(1) Eligibility for the applicable in-state tuition rate for a program of study within the University of Maine System, if the program fellow, within one year of completion of service in the program, enrolls in such a program and is not otherwise eligible for in-state tuition; and

(2) To the extent established by the commission by rule, an educational loan payment in an amount up to 20% of the stipend value paid on behalf of the program fellow to the holder of the loan; and

VOLUNTEER MAINE ([HTTPS://VOLUNTEERMAINE.GOV/](https://volunteermaine.gov/))

- General information
  - 5 MRSA CH. 373 (see Attachment A)
  - 2020 ANNUAL REPORT ([HTTPS://WWW.FLIPSNACK.COM/E5BFABCC5A8/VOLUNTEER-MAINE-ANNUAL-REPORT-2020/FULL-VIEW.HTML](https://www.flipsnack.com/E5BFABCC5A8/VOLUNTEER-MAINE-ANNUAL-REPORT-2020/FULL-VIEW.HTML))
- Eligibility guidelines/standards – to be provided by Volunteer Maine Legislature

DEFINITION OF “RURAL” – see Attachment B

## LANGUAGE

1. “Opportunities for citizens” – is it the intent to limit program fellows to Maine citizens?
2. Federal funding requirements

It is not clear in this bill that federal funding requirements will be met even if different than specific provisions in the bill. For example, the providing limiting criminal background checks to fellows working with “vulnerable children”(p. 2, lines 7 – 8). Federal funding often requires criminal background checks for all service providers.

3. Will the stipend

## FISCAL IMPACT - Preliminary (OFPR)

None provided as of this date.

**5 MRSA CHAPTER 373  
MAINE COMMISSION FOR COMMUNITY SERVICE**

**§7501. Commission established**

There is established the Maine Commission for Community Service, referred to in this chapter as the "commission," to foster the State's ethic of community service; encourage community service and volunteerism as a means of meeting critical human, environmental, educational and public safety needs throughout the State; serve as the State's liaison regarding national and community service and volunteer activities; foster collaboration among service agencies; receive gifts and grants, implement statewide service programs and make subgrants to state and local entities in accordance with the National and Community Service Trust Act of 1993, 42 United States Code, Sections 12501 to 12682

**§7502. Membership; terms**

**1. Membership; qualifications.** The commission consists of no fewer than 15 and no more than 25 voting members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters. The commission must include the following:

- A. A representative of a community-based agency or organization;
- B. The Commissioner of Education or the commissioner's designee;
- C. A representative of local government;
- D. A representative of a local labor organization;
- E. A representative of business;
- F. An individual who is at least 16 years of age but no more than 25 years of age and who is a participant in or supervisor of a service program for youth or a campus-based or national service program;
- G. A representative of a national service program;
- H. An individual with expertise in the education, training and development needs of youth, particularly disadvantaged youth;
- I. An individual with experience in promoting the involvement of adults aged 55 and older in national service and volunteerism; and
- J. A representative of the State's volunteer community.

A member may fulfill the representation requirement for more than one category in this subsection.

The appointments may also include educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental or public safety services to communities and persons; representatives of Native American tribes and nations; out-of-school or at-risk youth; and representatives of programs that are administered or receive assistance under the federal Domestic Volunteer Service Act of 1973, 42 United States Code, Section 4951, et seq. (1973). The commission also must include a nonvoting liaison designated by the federal Corporation for National and Community Service. The appointments must reflect diversity with respect to geography, race, ethnicity, age, gender, disability characteristics and political affiliation. Not more than 50% plus one member may be from the same political party. The number of voting members who are officers or employees of the State may not exceed 25% of the total membership.

The chair must be an appointed voting member of the commission, selected by the voting members. Members may not vote on issues affecting organizations they have served in a staff or volunteer capacity at any time during the preceding 12 months.

**2. Terms of office.** The appointed members serve 3-year staggered terms. Terms expire on September 1st. The Governor shall appoint members to vacancies on the commission as they occur or upon expiration of terms. Any vacancy must be filled for the unexpired portion of the term in which the vacancy occurs.

**2-A. Members serve duration of terms.**

**3. Reimbursement.** Members are entitled to compensation for expenses incurred in the performance of their duties on the commission in the same manner as state employees.

**§7503. Duties**

The commission shall:

- 1. Vision.** Develop a state vision statement for national, state and community service;
- 2. Ethic of service.** Demonstrate an ethic of service through its activities and procedures utilizing decision-making by consensus and annually evaluate how effectively its procedures and bylaws are fostering the state vision and service ethic;
- 3. National and community service plan.** Develop a 3-year comprehensive national and community service plan and update the plan annually. The commission shall ensure an open and inclusive process for maximum participation in development of the plan and determination of state priorities;
- 4. Preselect programs and prepare applications.** Preselect national service programs as defined in the National Service Trust Act, 42 United States Code, Section 12501, et seq. and prepare a grant application to the Corporation for National and Community Service;
- 5. Assist state education agencies.** Assist the Department of Education and institutions of higher education in the preparation of applications for national and community service grants;
- 6. Administer grant programs.** Evaluate, monitor and administer grant programs;
- 7. Provide technical assistance.** Serve as a clearinghouse for information on national and community service and provide technical assistance to local nonprofit organizations and other entities in planning, applying for funds and implementing national service programs;
- 8. Provide program development assistance and training.** Provide program development assistance and training to national service programs in the State;
- 9. Recruitment and placement.** Serve as a clearinghouse for people interested in national and community service placements and agencies recruiting volunteers;
- 10. State priorities.** Make recommendations to the Corporation for National and Community Service with respect to priorities within the State for programs receiving assistance under the federal Domestic Volunteer Service Act of 1973, 42 United States Code, Section 4951, et seq. (1973);
- 11. Coordination.** Foster collaboration among state agencies, colleges, universities, municipalities, federal agencies and volunteer service programs;
- 12. Advisory committees.** Establish advisory committees as needed, with membership not limited to commission members;
- 13. Fund raising.** Carry out fund-raising efforts to supplement federal funding and to meet all federal matching requirements; and
- 14. Annual report.** Submit an annual report to the Governor, the Legislature and the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 31st of each year.

**§7504. Staff and administrative services**

The Department of Education shall provide staff and administrative services as follows.

**1. Executive director.** The Commissioner of Education, in consultation with the commission, shall hire an executive director as a member of the Department of Education staff. The executive director oversees day-to-day operations of the commission, hires staff members with the approval of the commission and the Commissioner of Education and carries out other responsibilities as directed by the commission.

**2. Administrative services.** The Department of Education shall provide the executive director and the commission with continuing administrative support as appropriate. The Department of Education may establish a dedicated account on behalf of the commission to receive funds contributed by private and public agencies for use solely for commission purposes.

**§7505. Private support organization**

**1. Designation of private support organization.** The executive director of the commission, with the consent of the voting members of the commission, shall designate a nonprofit corporation as the private support organization for the commission. The nonprofit corporation must be incorporated under the laws of this State and for purposes that are consistent with the goals, objectives, programs, responsibilities and functions of the commission.

The commission's private support organization must be organized and operated exclusively to receive, hold, invest and administer property and funds and to make expenditures to and for the benefit of the commission.

**2. Board of directors.** A member of the private support organization's board of directors may not also be a member of the commission. The executive director of the commission, or the executive director's designee, shall serve as a nonvoting ex-officio member of the private support organization's board of directors.

**3. Scope of work.** The private support organization shall operate under a memorandum of understanding negotiated annually by the commission that outlines a plan of work consistent with the purposes and goals of the commission and shall submit an annual budget for review and approval by the commission by June 1st.

The memorandum of understanding must further stipulate the reversion to the commission, or to the State if the commission ceases to exist, of money and property held in trust by the private support organization if the private support organization is no longer designated by the commission pursuant to subsection 1.

**4. Use of property.** The commission may authorize the private support organization to use the commission's facilities, equipment and other property, except money, in keeping with the purposes of the private support organization.

**SECTION HISTORY**

PL 2015, c. 94, §1 (NEW).

<https://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx>

**Rural-Urban Continuum Codes**

The 2013 Rural-Urban Continuum Codes form a classification scheme that distinguishes metropolitan counties by the population size of their metro area, and nonmetropolitan counties by degree of urbanization and adjacency to a metro area. The official Office of Management and Budget (OMB) metro and nonmetro categories have been subdivided into three metro and six nonmetro categories. Each county in the U.S., municipal in Puerto Rico, and Census Bureau-designated county-equivalent area of the Virgin Islands/other inhabited island territories of the U.S. is assigned one of the 9 codes. This scheme allows researchers to break county data into finer residential groups, beyond metro and nonmetro, particularly for the analysis of trends in nonmetro areas that are related to population density and metro influence.

The Rural-Urban Continuum Codes were originally developed in 1974. They have been updated each decennial since (1983, 1993, 2003, 2013), and slightly revised in 1988. Note that the 2013 Rural-Urban Continuum Codes are not directly comparable with the codes prior to 2000 because of the new methodology used in developing the 2000 metropolitan areas. An update of the Rural-Urban Continuum Codes is planned for mid-2023.

**Last updated:** Thursday, December 10, 2020

CODE	DESCRIPTION
1	Metro - Counties in metro areas of 1 million population or more
2	Metro - Counties in metro areas of 250,000 to 1 million population
3	Metro - Counties in metro areas of fewer than 250,000 population
4	Nonmetro - Urban population of 20,000 or more, adjacent to a metro area
5	Nonmetro - Urban population of 20,000 or more, not adjacent to a metro area
6	Nonmetro - Urban population of 2,500 to 19,999, adjacent to a metro area
7	Nonmetro - Urban population of 2,500 to 19,999, not adjacent to a metro area
8	Nonmetro - Completely rural or less than 2,500 urban population, adjacent to a metro area

FIPS	County_Name	Population	RUCC Code	FIPS	County_Name	Population	RUCC Code
23001	Androscoggin	107,702	3	23017	Oxford County	57,833	6
23003	Aroostook	71,870	7	23019	Penobscot	153,923	3
23005	Cumberland	281,674	2	23021	Piscataquis	17,535	8
23007	Franklin	30,768	6	23023	Sagadahoc	35,293	2
23009	Hancock	54,418	6	23025	Somerset	52,228	6
23011	Kennebec	122,151	4	23027	Waldo	38,786	6
23013	Knox	39,736	7	23029	Washington	32,856	7
23015	Lincoln	34,457	8	23031	York	197,131	2

**The only county for which this is problematic is Penobscot where the northern + western sides are definitely rural.**