

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2257

S.P. 859

In Senate, June 18, 1999

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### An Act to Update the Statutes of the Maine Conservation Corps.

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln. (GOVERNOR'S BILL).

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 26 MRSA §§2181 to 2186**, as enacted by PL 1993, c. 410,  
5 Pt. O, §4, are amended to read:

6 **§2181. Maine Conservation Corps Program**

7 There is established in the ~~jobs--training workforce~~  
8 development center administrative office in the Department of  
9 Labor the Maine Conservation Corps, referred to in this chapter  
10 as the "Corps," to provide job training, ~~conservation~~ education  
11 and work opportunities for the economically disadvantaged, to  
12 improve public property for the increased use and enjoyment of  
13 the public, to provide conservation education, to promote and  
14 manage volunteer opportunities related to natural resources and  
15 to assist public and nonprofit organizations with projects that  
16 serve a valid public purpose and have purposes consistent with  
17 this subchapter.

18  
19 **§2182. Participants**

20  
21 ~~Participants---in---the---Corps---must---be---economically~~  
22 ~~disadvantaged.~~ The Corps shall strive to include a diversity of  
23 participants. Individuals-are-eligible-to-participate-if-their  
24 Priority must be given to those whose family income is 150% or  
25 less of the nonfarm income official poverty line as defined by  
26 the federal Office of Management and Budget as revised annually  
27 in accordance with the United States Omnibus Budget  
28 Reconciliation Act of 1981, Section 673, Subsection 2,---Priority  
29 must-be-given and to those who are economically disadvantaged as  
30 defined by the United States Job Training Partnership Act,  
31 Subchapter II, Public Law 97-300. A person is not eligible if  
32 that person has left ~~employment-or~~ a secondary school for the  
33 purpose of participating in this program. Corps members may be  
34 jointly enrolled in any state or local job training program or  
35 human resource development program. ~~Corps-members-enrolled-in~~  
36 ~~the-Job-Training-Partnership-program-must-be-enrolled-in-that~~  
37 ~~program-by-the-service-delivery-area-responsible-for-the-county~~  
38 ~~of-residence-of-the-enrollee-pursuant-to-voluntary-agreements~~  
39 ~~entered-into-between-the-Corps-and-the-service-delivery-areas.~~

40  
41 **§2183. Projects**

42  
43 **1. Types of projects.** Projects undertaken by the Corps  
44 include, but are not limited to, projects such as:

- 45  
46 A. Forestry, nursery and silvicultural operations;  
47  
48 B. Wildlife habitat conservation, rehabilitation and  
49 improvement;  
50

- 2 C. Recreational area development, management and  
improvement;
- 4
- 6 D. Energy conservation projects;
- 8 E. Fish culture and habitat maintenance and improvement and  
other fisheries or marine resource assistance;
- 10 F. Trail and campsite development and improvement;
- 12 G. Insect, disease, rodents and fire prevention and control;
- 14 H. Erosion, flood, drought and storm damage assistance and  
control; and
- 16
- 18 I. Reclamation and improvement of lands disturbed by  
erosion, mining or other adverse natural or human-made  
actions; and
- 20
- 22 J. Environmental education programs.

24 **2. Eligible sponsors.** All projects must be undertaken and  
operated under the sponsorship and cooperation of a public  
landowning agency or a nonprofit organization. A sponsoring  
public agency or organization shall contribute to a project by,  
at a minimum, providing tools, supplies, equipment and technical  
supervision and plans necessary for project completion.

30 **3. Additional criteria.** Projects must be of lasting and  
worthwhile significance to the people of the State or otherwise  
serve a valid public purpose, and provide meaningful work or  
service experience to the enrollees ~~and-be-labor-intensive~~.

34 **§2184. Limitations**

36

38 Projects to be carried out by the Corps are limited to  
projects on publicly owned lands or, if not on public lands,  
under the sponsorship and supervision of a public agency or  
nonprofit organization.

42 **§2185. Administration**

44 The executive director of the ~~job--training~~ workforce  
development center administrative office shall employ a director  
of the Corps in the job training administrative office and may  
employ other personnel as are required to accomplish the purposes  
of this chapter.

50 The Director of the Maine Conservation Corps shall work with

2 other agencies and organizations to design the program to provide  
3 maximum volunteer and work opportunities, job skills training,  
4 education, improvements to publicly owned property and assistance  
5 with projects conducted by public agencies and nonprofit  
6 organizations.

7 The director shall work with state and local job training  
8 agencies, including other service delivery areas and the job  
9 service, which shall may conduct recruitment and referral of  
10 individuals interested in participating in the Corps. Agency  
11 collaboration with the Corps is on a voluntary basis.

12 There is established a dedicated account for the use of the  
13 Corps. This account must be used to receive funds contributed by  
14 private and public agencies, organizations or individuals and to  
15 expend those funds to promote the purposes of this chapter.  
16 Notwithstanding any other provisions of law, state agencies may  
17 transfer money appropriated from the General Fund into this  
18 account for purposes of contributing to projects, services or  
19 volunteer stipends that benefit the contributing agency. The  
20 Corps may enter into an agreement with a private nonprofit  
21 organization designated by the executive director of the  
22 workforce development center for the purpose of assisting with  
23 the management and operation of the Maine Conservation Corps.  
24 The designated organization may accept federal and state funds  
25 and private contributions, directly or through the Corps, for the  
26 purpose of developing and operating programs of the Corps.

27 **§2186. Corps members**

28 Members of the Corps who are paid wages or a living  
29 allowance through the General Fund account of the Corps or  
30 through its dedicated account must receive personal liability  
31 insurance and workers' compensation insurance, and those who meet  
32 the income guidelines in section 2182 must be compensated at  
33 least the minimum wage and--must--receive--personal--liability  
34 insurance--and--workers'--compensation--insurance or an annualized  
35 living allowance of at least 75% of the minimum wage times  
36 2,080. Notwithstanding other state laws, Corps members are not  
37 deemed considered employees of the State for the purposes of  
38 Title 5, chapter 101.

39 **Sec. 2. 26 MRSA c. 34, sub-c. II,** is amended by repealing the  
40 subchapter headnote and enacting the following in its place:

41 **SUBCHAPTER II**

42 **STATE ENVIRONMENTAL RESOURCE VOLUNTEER EFFORT**

43 **Sec. 3. 26 MRSA §§2191, 2192, 2193 and 2195,** as enacted by PL  
44 1993, c. 410, Pt. O, §4, are amended to read:

2       **§2191. State Environmental Resource Volunteer Effort Program**  
4                   **created**

6               There is established within the Corps the State  
7       Environmental Resource Volunteer Effort Program, referred to in  
8       this subchapter as "SERVE/Maine," to create, promote and manage  
9       volunteer and intern opportunities with public agencies that are  
10       responsible for protecting, developing, managing or preserving  
11       the State's natural resources.

12       **§2192. Volunteer insurance**

14               The State Environmental Resource Volunteer Effort Program  
15       must ensure that volunteers are covered by workplace injury and  
16       liability insurance.

18       **§2193. Types of volunteer or intern services**

20               Volunteers and interns may perform work and services that  
21       are described in section 2183. Volunteers and interns must be  
22       placed in federal, state or local public agencies or in nonprofit  
23       organizations and perform work or services that benefit the  
24       public. The volunteer and intern positions must be sponsored by  
25       natural resource-related agencies or organizations. Volunteers  
26       or interns may not attempt to influence legislation, engage in  
27       protests, petitions, boycotts, strikes, union organizing,  
28       political campaigning or support religious activities or  
29       religious proselytizing or engage in fund raising for private  
30       nonprofit organizations as SERVE/Maine volunteers or interns. A  
31       sponsoring agency must contribute to a volunteer or intern  
32       position by providing all necessary supervision, supplies,  
33       equipment and plans required for the position.

34       **§2195. Monetary contributions to the volunteer and intern program**

36               Private organizations and individuals may donate money to  
37       the State Environmental Resource Volunteer Effort Program for  
38       general or specific purposes. The funds must be expended to  
39       further the purposes of the program.

42

43   **SUMMARY**

44

46               This bill updates the laws governing the Maine Conservation  
47       Corps to encourage greater diversity among participants, to allow  
48       partnerships between the Corps and private nonprofit  
49       organizations and to clarify the types of activities in which  
50       program participants may participate.