

MAINE LILA PROGRAM GUIDELINES

May 15, 2006



In partnership with
Finance Authority of Maine
Local Workforce Investment Boards
Maine Centers for Women, Work and Community
Maine Community College System
Maine Jobs Council
Trade Associations
University of Maine System
Coastal Enterprises, Inc.

Council for Adult and Experiential Learning
Ford Foundation
United States Department of Labor

The provisions in this document are subject to change with or without notice. Although the *Program Guidelines* is meant to be comprehensive, situations may arise that are not addressed in this document. Those situations will be dealt with on a case-by-case basis. The *Program Guidelines* do not constitute financial, legal or tax advice. Please read this important material carefully.

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I. INTRODUCTION

Lifelong Learning accounts (LiLAs) are workplace based, employee-owned asset accounts into which employee contributions are matched by employer contributions. LiLAs are designed to finance lifelong learning so that workers can upgrade skills to achieve their career goals and attain sustaining jobs. Essential key components of the Maine LiLA Program include:

- Universal eligibility
- Portability
- Informed choice (with an advising component)
- A wide range of allowable higher education options
- An employer match

LiLAs differ from traditional job training programs because they create systemic change in the way individuals can invest in their own futures, with accompanying employer involvement and investment.

II. HISTORY ON LILAS

In response to the critical need to increase access to lifelong learning for all adults, the Council for Adult and Experiential Learning (CAEL), a thirty-year old national non-profit organization, developed the concept and a model for Lifelong Learning accounts (LiLAs). CAEL is currently carrying out a multi-sector demonstration of LiLAs for an estimated 350 participants in three sites: Chicago, IL, San Francisco, CA and Fort Wayne, IN. This employer-based project is demonstrating the utility and value of matched savings accounts for working adults who currently do not have the benefit of employer-funded tuition assistance. CAEL recently received major support from the Ford Foundation and the Annie E. Casey Foundation to work with 2-3 leadership states, including Maine, to develop state-based LiLA pilots. CAEL is also building support with key legislators for a federal LiLA demonstration that would offer tax incentives for LiLA accounts to employers and employees.

III. MAINE'S LILA PARTNERSHIP

Several community leaders in Maine established the LiLA Partnership to explore the LiLA strategy as a way to encourage lifelong learning and expand opportunities for adult workers. Since January 2003, there have been a series of key stakeholder meetings to explore the initiative, promote an understanding of LiLAs, and engage in a decision making process about a policy and program strategy.

Stakeholders at the LiLA Partnership meetings have included the Office of the Maine State Treasurer, representatives from the Maine Department of Labor (MDOL), Maine Centers for Women, Work and Community (MCWWC), Maine Department of Education (MDOE), Finance Authority of Maine (FAME), industry associations, local workforce boards, University of Maine System and the Maine Community College System. All of these stakeholders have been actively engaged and fully support the LiLA concept and strategy.

The Maine Department of Labor provides the coordination for the Maine LiLA Program. MDOL and the local Maine CareerCenters provide the local and regional outreach efforts to employers and employees. MCWWC will provide advising services for LiLA participants. FAME will administer the investment accounts that are established through the NextGen College Investing Plan^{®1}. NextGen[®] has been

¹ NextGen College Investing Plan[®] (NextGen[®]) is Maine's College Savings Program, which was established under Section 529 of the Internal Revenue Code to provide a tax-advantaged opportunity to invest monies into an account which can later be used to pay for qualified higher education expenses at most accredited post secondary educational institution. The Finance Authority of Maine is the Program Administrator. The Maine State Treasurer provides investment oversight and Merrill Lynch is the Program Manager and underwriter of the plan.

selected as the investment vehicle for the Maine LiLA Program because it provides a convenient and easy way to save for higher education expenses and offers a variety of investment options, including a principal protected option.

As noted in the Introduction above, informed choice is a key component of the Maine LiLA Program. The purpose is to provide Maine-based resident employees with the opportunity to identify career goals and a strategy to access the education and training needed to achieve these goals, ultimately attaining economic security. As employees experience success, they are expected to develop greater self-esteem and confidence.

IV. BENEFITS TO MAINE

The LiLA Partnership is enthusiastically supportive of a Maine-based LiLA initiative because of the many ways in which it will benefit the state, its employers, its workforce, and others.

Maine's public sector agencies see LiLAs as a tool to support Maine's economic goals to:

- Develop a skilled workforce to attract and retain businesses
- Help individual businesses' bottom line
- Improve the quality of life for Maine residents
- Promote private/public partnerships to leverage resources in workforce development
- Reinforce the link between workforce and economic development

LiLAs can help Maine's employers to:

- Increase productivity and promote retention and/or recruitment of quality workers
- Provide controlled and affordable benefits to employees
- Promote loyalty and good will
- Foster stronger links to educational providers and the MDOL CareerCenter system

LiLAs will help Maine's workforce to:

- Attain needed education and training for career advancement
- Develop skills to create and reach career goals
- Outline an educational strategy to achieve economic self sufficiency and work satisfaction
- Offer ongoing support, motivation, and assistance in navigating the educational system
- Provide information regarding the labor market and career options
- Expand savings capacity to develop asset building behavior
- Leverage individual investment through employer match contribution
- Promote self-esteem and efficacy to achieve personal goals

Maine's education and training providers are supportive of LiLAs because the program will:

- Increase access to post-secondary education
- Promote stronger links to employers
- Aggregate demand to allow them to be more responsive to the needs of industry and individual adult workers

Maine's industry and trade associations believe that LiLAs will:

- Provide a valuable service to employer members
- Strengthen the workforce to attract and retain existing businesses and develop new businesses
- Play a liaison role between educational providers, industry, and the state to strengthen public/private partnership in connection with workforce and economic development.

V. ENROLLMENT PROCESS

A. **Employers.** An initial information meeting for employers may be arranged by contacting a local MDOL CareerCenter or by calling the Maine LiLA Program Manager at 624-6458 or 1-888-457-8883. CareerCenter staff will be able to answer any initial questions and set up a time to meet with employers at the worksite. This will give employers an opportunity to learn more about the Maine LiLA Program and its many benefits. CareerCenter staff is available to answer any employer related questions and to assist in the enrollment process. Each employer Program determines the eligibility requirements for their employees to participate in the Maine LiLA Program.

Employers participating in the Maine LiLA Program are required to read and complete the following forms:

1. *LiLA Employer Enrollment Agreement Form.*

Note: *All employers participating in the Maine LiLA Program will be required to speak with a Maine LiLA Program Representative before enrollment to ensure an understanding of the program.*

Employers participating in the Maine LiLA Program must:

1. Decide on and document criteria for employee's participation in the LiLA program. Provide documentation to Maine LiLA Program Manager.
2. Schedule information and enrollment meeting(s) for employees.
3. Implement automatic payroll deduction direct deposit process once the employee provides the employer with the *NextGen Authorization for Payroll Deduction Form* and forward the names of those employees to the Maine LiLA Program Manager. See *MAINE LILA PROGRAM CONTRIBUTIONS*, p 8.
4. Notify the Maine LiLA Program Manager at 207-624-6458 in the event that a LiLA participant is separated from employment.
5. Participate in evaluation activities coordinated by the Maine Department of Labor. See *EVALUATION*, p 11.

Note: *If the employer does not provide payroll direct deposit or total monthly minimum deposit requirements cannot be met, please contact Maine LiLA Program Manager at 207-624-6458 to discuss alternatives.*

B. **Employees.** Once the employer has signed on as a LiLA company, information and enrollment sessions will be held for employees, at which time they will receive information about the Maine LiLA Program, have an opportunity to ask questions, and enroll in the Maine LiLA Program. Each meeting will take about an hour. If an employee cannot attend an enrollment meeting, LiLA enrollment packets can be obtained from the CareerCenter, Human Resources staff, or the designated employer representative.

Employees participating in the Maine LiLA Program are required to read and complete the following forms:

1. *LiLA Employee Enrollment Agreement Form.*

2. The NextGen Program Description and NextGen Account Application necessary to open a NextGen account.

Note: All employees participating in the Maine LiLA Program will be required to speak with a Maine LiLA Program Representative (in a group or individually) before enrollment to ensure an understanding of the program.

Employees participating in the Maine LiLA Program must:

1. Attend an information session and enroll in the Maine LiLA Program
2. Complete an Individual Learning Plan within 90 days of enrollment with assistance from an MCWWC advisor or CareerCenter advisor. See *ADVISING SERVICES (INDIVIDUAL LEARNING PLAN)*, p 6.
3. Open a NextGen account as the account owner and name themselves as the designated beneficiary for the NextGen account. See *OPENING A NEXTGEN ACCOUNT*, p 7.
4. Complete and providing the employer with the *NextGen Authorization for Payroll Deduction Form*, which is provided to the employee by FAME once the NextGen account has been opened and a NextGen account number assigned. This form authorizes the employer to initiate payroll direct deposits in the employee NextGen account. See *MAINE LILA PROGRAM CONTRIBUTIONS*, p 8.
5. Contribute into the NextGen account a minimum of \$25 per month, to be matched by the employer for a total minimum monthly contribution of \$50 through payroll direct deposit (\$25 from the Employee and \$25 from the Employer). See *MAINE LILA PROGRAM CONTRIBUTIONS*, p 8.
6. When sufficient funds are invested in a NextGen account to pay for desired course, consult with a MCWWC advisor. Submit the *NextGen Withdrawal Request Form* as instructed. See *PAYING EDUCATION EXPENSES*, p 9.
7. Contact a CareerCenter advisor when ready to complete an educational activity, to revise a plan, terminate participation in the Maine LiLA Program, or if contact information changes.
8. Participate in the Program Evaluation upon completion or termination of participation in the Maine LiLA Program. See *EVALUATION*, p 11.

VI. ADVISING SERVICES (INDIVIDUAL LEARNING PLAN)

Employees participating in the Maine LiLA Program must meet with an advisor to discuss career and educational goals and complete an Individual Learning Plan (ILP). This is an important opportunity to meet with a professional advisor who is knowledgeable about local educational resources and can assist employees in education and career planning. An advisor will be assigned to employees at no charge and will help employees develop an ILP.

After an employee has completed the LiLA enrollment process, the employees should contact MCWWC at **800-442-2092** to set up an appointment with an advisor. MCWWC will forward the employee request to the advisor, who will then contact the employee by phone or e-mail to schedule a meeting. The employee needs to meet with the advisor and complete an ILP within 90 days of completing the LiLA enrollment process. The employee's ILP will be their education plan to follow as a guide to determine future educational activities. The employee should take classes that are consistent with their ILP and consult with their advisor when they withdraw funds.

Every six months, the advisor will contact the employee for a brief follow-up. This will allow the employee an opportunity to provide an update on his/her program status, including changes in their contact information or changes in the learning plan. Otherwise, the employee should notify the advisor if s/he needs to change their ILP, or if contact information changes.

VII. OPENING A NEXTGEN[®] ACCOUNT

The NextGen College Investing Plan[®] is Maine's College Savings Program, which was established under Section 529 of the Internal Revenue Code to provide a tax-advantaged opportunity to invest monies into an account which can later be used to pay for qualified higher education expenses at any accredited post secondary educational institution. The Finance Authority of Maine is the Program Administrator. The Maine State Treasurer provides investment oversight. Merrill Lynch is the Program Manager and underwriter of the plan.

All Employees participating in the Maine LiLA Program are required to open a NextGen account for the purpose of investing employee contributions and employer matching funds. Highlights of NextGen include:

- **Anyone can open a NextGen account.** Employees can establish a NextGen account regardless of income and must be at least 18 years of age and have a valid social security number.
- **Tax-deferred growth and withdrawal.** Earnings grow and withdrawals are State of Maine and federal income tax free when used for qualified higher education expenses at an eligible institution of higher education². Unless extended or made permanent by Congress, the provisions relating to tax-free withdrawals will end after December 31, 2010. Thereafter, the earnings portions of qualified withdrawals would be taxed at the designated beneficiary's tax rate.
- **Account owner retains control** over the use of the NextGen asset, and can change the account beneficiary to a family member at any time. *Note: In order to participate in the Maine LiLA Program and receive the employer match, the employee must be listed on the NextGen account as the account owner and the designated beneficiary.*
- **Account owners may withdraw assets at any time.** Only the NextGen account owner can initiate the withdrawal of assets of the NextGen account. Assets in the account can be used to pay for tuition, room and board (with limitations), books, supplies, and equipment required for enrollment or attendance at any eligible post-secondary school in the U.S. or abroad.
- **NextGen Matching Grant Program** – Employees participating in the Maine LiLA Program can also take advantage of the NextGen Matching Grant Program if the employee's family adjusted gross income was \$54,500 or less for 2005 (adjusted annually). Once the NextGen account has been opened and \$50 invested into the account, the NextGen account can receive a one-time \$200 **Initial Matching Grant**. Thereafter, the NextGen account can receive **Annual Matching Grants** of 50% of amounts contributed to the NextGen account in a calendar year up to a maximum annual grant of \$200.

Note: To claim a NextGen matching grant, the employee must complete and return the appropriate NextGen Matching Grant Certification Form to FAME. Only one matching grant per NextGen beneficiary will be awarded per year. See the Initial Matching Grant and Annual Matching Grant terms and conditions for other restrictions that may apply.

Before investing, employees should consider the investment objectives, charges, expenses and the risks of investing in the NextGen Plan. Request a Program Description from FAME at 800-228-3734 and read it carefully.

² Institutions must be eligible to participate in federal student financial aid programs.

VIII. NEXTGEN ACCOUNT SERVICING

Only the NextGen account owner may direct transfers, rollovers, investment changes (as permitted under federal law), withdrawals and other changes to the NextGen account. Only the NextGen account owner will receive trade confirmations for NextGen account transactions and quarterly account statements from the Program.

NextGen account servicing forms can be downloaded from the FAME website at www.famemaine.com (click on NextGen) and forward directly to FAME for processing.

All questions regarding NextGen accounts should be directed to FAME at 1-800-228-3734 or email NextGen@FAMEmaine.com.

IX. MAINE LILA PROGRAM CONTRIBUTIONS

A. **Contribution Requirements.** In order to participate in the Maine LiLA Program the employee must contribute a minimum of \$25 per month through payroll deduction, which will be matched by the employer, into the employee's NextGen account. If the employer does not have direct deposit, other arrangements can be made. The employee's contribution and the employer's match will be forwarded by payroll direct deposit into the employee's NextGen account. The table below depicts how the employee's contributions are maximized by the employer's matching funds and the NextGen matching grant, if eligible.

If the employee does not open a NextGen account and/or authorize the employer to make payroll deduction direct deposits within 90 days of enrollment, he/she will be contacted by the Maine LiLA Program Manager. Employees are expected to make regular contributions to their NextGen account until at least the minimum amount of \$600 per year is achieved; a combination of \$300 from the employee and \$300 from the employer.

Figure 1: Matching Funds Example

	Weekly Contribution	Bi-weekly Contribution	Monthly Contribution	Yearly Contribution
Employee	\$6.25	\$12.50	\$25.00	\$300.00
Employer	\$6.25	\$12.50	\$25.00	\$300.00
NextGen matching grant for eligible employees:				\$200.00
Total	\$ 12.50	\$ 25.00	\$ 50.00	\$ 800.00

Employees may contribute more than \$25 monthly; however, the employer is not required to match funds over the amounts previously agreed upon by the employer.

B. **Initiating Payroll Direct Deposit.** Once the NextGen account is opened and account number assigned, an *Authorization for Payroll Deduction* will be forwarded directly to the employee, which must be completed and provided to the employer. The employer can then establish payroll direct deposit of contributions into the employee's NextGen account.

C. **Changing the Amount of Employee Contributions.** To change the amount of an employee's payroll direct deposit contribution, or temporarily suspend payroll direct deposit contributions, the employee must notify the employer directly.

D. **Ownership of Contributions.** The NextGen account owner retains ownership of all contributions made to and all earnings credited to the account. The employer has no subsequent control over the contributions made to the employee's account. All NextGen matching grant funds will be invested in a NextGen portfolio at the discretion of FAME. Although allocated to a particular NextGen account, NextGen matching grant funds will remain the property of FAME until used for qualified higher education expenses.

E. **Third Party Contributions.** Any individual may make separate contributions to a NextGen account. However, only employee contributions are entitled to be matched by the employer. Individuals or entities other than the account owner that contribute funds to a NextGen account will have no subsequent control over those contributions.

X. ALLOWABLE HIGHER EDUCATION EXPENSES

NextGen funds can be used to pay for qualified higher education expenses at any college, university, vocational school, technical school, proprietary school or other accredited post-secondary educational institution eligible to participate in Title IV federal student financial aid programs administered by the U.S. Department of Education. This includes virtually all accredited public, nonprofit, and privately owned, proprietary postsecondary institutions.

A. **Qualified Education Expenses.** The courses and trainings do not have to relate to the employee's current job or next functional position but should be career-related and aligned with the employee's Individual Learning Plan. Funds can be used for the following at eligible institutions of higher education:

- Tuition for credit or non-credit courses
- Distance learning courses
- On-line courses
- Certificate programs
- Credit for prior learning assessment (PLA)
- Test-outs, such as the CLEP exam
- Books
- Course related supplies and equipment **required** for enrollment or attendance
- Fees

B. **Non-qualified Education Expenses.** The earnings portion of a withdrawal for non-qualified purposes is subject to federal and applicable state income tax and a 10% additional federal tax on the earnings portion of the withdrawal, with some exceptions. *See the NextGen Program Description for more information relating to non-qualified withdrawals and the additional tax.*

Examples of non-qualified education expenses include, but are not limited to:

- Courses at a non-accredited post secondary school
- Adult Education courses
- Transportation
- Equipment (unless required by the course)
- Day Care
- Travel
- Voluntary fees including, but not limited to, late fees, transcript fees, graduation or diploma fees, athletic fees, healthcare fees and bank finance charges

XI. PAYING EDUCATION EXPENSES

A. **Using LiLA Funds.** Requests for withdrawals from a NextGen account must be submitted on a *NextGen Withdrawal Request Form*. See *NEXTGEN ACCOUNT SERVICING*, p 8.

B. **Using NextGen Matching Grant Funds.** Matching grant funds, including earnings on matching funds should be fully used before other assets in the NextGen account are used for qualified higher education expenses. To use the NextGen matching grant funds, the NextGen account owner must complete and submit *Matching Grant Certification of Withdrawal Form*, which can be downloaded from FAME's website.

Note: A NextGen account owner may not request a withdrawal of the NextGen Initial Matching Grant amounts allocated to a NextGen account for twelve (12) months after the account to which the initial matching grant is allocated is open.

XII. TAX TREATMENT OF INVESTMENTS AND WITHDRAWALS

A. **Contributions and Withdrawals.** Employee and employer contributions into a NextGen account are after-tax dollars. The earnings on contributions grow tax-deferred and are tax-free when withdrawn for qualified higher education expenses. Unless extended by Congress, the availability of tax-free withdrawals will end after December 31, 2010 and the earnings portion of qualified withdrawals would be taxed at the beneficiary's tax rate. For purposes of determining whether a withdrawal is taxable and/or subject to the 10% additional federal tax on earnings, the NextGen account owner must determine whether the withdrawal is made for the payment of qualified higher education expenses and/or fits within certain exceptions identified in the NextGen Program Description.

B. **NextGen Matching Grants Contributions.** The NextGen Matching Grant Program has been designed so that the matching grant, including the earnings, if any, used for certain qualified higher education expenses will be treated as a scholarship as defined by the Internal Revenue Code. Any portion of the award used as payment for room and board costs may be subject to federal and/or state income tax and should be reported by the account owner to the Internal Revenue Service when filing his or her tax return. Similarly, any portion of a grant award used to pay for qualified higher education expenses at correspondence schools may not be eligible for federal and/or state tax-exempt treatment.

C. **Employer Contributions.** Employer contributions into an employee's NextGen account are treated as income to the employee and will be included in the employee's wages for IRS reporting purposes. Once deposited into the employee's NextGen account, those employer contributions will be commingled with other assets invested in the employee's NextGen account and will benefit from tax-free growth. Employers and employees should consult their own tax advisors if they have any questions regarding the tax treatment of the funds invested in the NextGen account.

D. **Tax Reporting.** On or before January 30 of each calendar year, the NextGen Program will send IRS Form 1099-Q to each distributee for any withdrawals made from a NextGen account in the previous calendar year. Upon receipt of the Form 1099-Q, the distributee will need to determine whether the NextGen monies were used for qualified higher education expenses. If so, there is nothing to report. See the *NextGen Program Description* for more information. If the withdrawal was not used for qualified higher education expenses, then the taxpayer will need to report only the earnings portion of the nonqualified withdrawal in his or her federal income tax forms and will incur a 10% additional federal tax on such earnings.

XIII. MAINE LiLA PROGRAM COMPLETION, DISCONTINUATION OR TERMINATION

If the employee is unable to continue or does not wish to participate in the Maine LiLA Program, s/he will contact the advisor or Maine LiLA Program Manager and inform him/her that the employee no longer wishes to participate in the program. The employee will be asked to complete a brief exit interview with the MCWWC advisor and complete the Notice of LiLA Completion/Termination Form.

A. **Using All of the LiLA Funds**. Once the employee has used up their NextGen funds and no longer intends to contribute on a regular basis, s/he is considered to have completed the Maine LiLA Program.

B. **Completing Individual Learning Plan Goals**. Once the goals in the ILP are met, MDOL will consider the employee to have completed the Maine LiLA Program.

C. **Employee Discontinuation**. An employee can decide to voluntarily withdraw or temporarily suspend from the Maine LiLA Program. An employee who chooses this option will no longer be eligible for the employer match. It is the employee's responsibility to inform the employer to stop payroll deductions and the employer match.

D. **Employer Discontinuation**. An employer can decide to end participation in the Maine LiLA Program and no longer provides matching funds. In this event, the employer must notify the employee and the Maine LiLA Program Manager.

Note. The employee retains ownership of all contributions made to the NextGen account and can change the account beneficiary to a qualified family member upon completion, discontinuation or termination with the Maine LiLA Program. See the NextGen Program Description for more information.

XIV. EVALUATION

Because the Maine LiLA Program is a demonstration project with national implications, there is an evaluation component to assess the success of the Maine LiLA Program. All participants in the Maine LiLA Program are required to participate in the evaluation.

During the enrollment process, participants will be asked to provide information including, but not limited to, the following items:

- Basic contact information, including home address, and telephone number.
- Social Security number. The evaluators will follow the development of career and earnings over the five years will use the employee's social security number.
- Wage and salary information.
- The name of a contact person - someone who will always know how the evaluators can reach the participant in case contact information (phone number and address) has changed.

For the evaluation, participants will be contacted and asked about their experience with the Maine LiLA Program. Some individuals may be invited to participate in a group discussion about their training needs and career goals.

XV. CONFIDENTIALITY

All employee information gathered by the Maine LiLA Program is considered confidential and will be used only for evaluation and program purposes. Any private information gathered in the Program will only be

released in composite or anonymous format or as required by law. Selected activities in the Maine LiLA Program will be reported only in aggregate form and will not include individual names or other identifying information. The NextGen College Investing Plan does not disclose any nonpublic personal information about participants or other former customers to anyone, except as permitted by law.

XVI. CONTACT INFORMATION

For further information, please contact:

For Enrollment and Other Questions:

Maine LiLA Program Manager and/or
Maine CareerCenters
Maine Department of Labor
55 SHS
Augusta, ME 04333-0055
Phone: 207-624-6458
TTY: 800-794-1110
Email: auta.m.main@maine.gov

For NextGen Account Information:

NextGen Representative
c/o Finance Authority of Maine
5 Community Drive
PO Box 949
Augusta, ME 04332-0949
Phone: 800-228-3734
Email: NextGen@FAMEmaine.com
Web: www.FAMEmaine.com

For Advising:

Maine Centers for Women, Work & Community
University of Maine at Augusta
46 University Drive
Augusta, ME 04330
Phone: 800-442-2092
Web: www.womenworkandcommunity.org