

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 58

H.P. 51

House of Representatives, January 11, 2011

An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.
Cosponsored by Senator COLLINS of York and
Representatives: BICKFORD of Auburn, CHASE of Wells, CURTIS of Madison, FITTS of
Pittsfield, HARVELL of Farmington, O'CONNOR of Berwick, SIROCKI of Scarborough,
WINSOR of Norway.

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

2 **Sec. 1. 24-A MRSA c. 89** is enacted to read:

3 **CHAPTER 89**

4 **PROHIBITION AGAINST ENFORCEMENT OF THE FEDERAL PATIENT**
5 **PROTECTION AND AFFORDABLE CARE ACT**

6 **§7001. Findings**

7 The Legislature finds that:

8 **1. Agent of the people.** The people of the several states that compose the United
9 States of America created the Federal Government to be their agent for certain
10 enumerated purposes;

11 **2. Tenth Amendment.** The United States Constitution, Amendment X declares that
12 the powers not delegated to the Federal Government by the United States Constitution,
13 nor prohibited by it to the states, are reserved to the states respectively, or to the people;

14 **3. Interference with regulation of health care.** The assumption of power that the
15 Federal Government has made by enacting the federal Patient Protection and Affordable
16 Care Act interferes with the right of the people of the State to regulate health care as they
17 see fit;

18 **4. Rejection of act.** The federal Patient Protection and Affordable Care Act, Public
19 Law 111-148 is not authorized by the United States Constitution and violates the true
20 meaning and intent of the United States Constitution; as such, the federal Patient
21 Protection and Affordable Care Act is invalid in this State, may not be recognized by this
22 State, is specifically rejected by this State and is considered null and void and of no effect
23 in this State; and

24 **5. Duty of Legislature.** It is the duty of the Legislature to enact all measures as may
25 be necessary to prevent the enforcement of the federal Patient Protection and Affordable
26 Care Act within the boundaries of this State.

27 **§7002. Prohibition**

28 **1. Violation by federal official.** An official, agent or employee of the United States
29 Government or an employee of a corporation providing services to the United States
30 Government who enforces or attempts to enforce the federal Patient Protection and
31 Affordable Care Act, Public Law 111-148 or any order, law, statute, rule or regulation of
32 the United States Government made in connection with that Act is guilty of a Class C
33 crime.

34 **2. Violation by state official.** A public official, agent or employee of the State who
35 enforces or attempts to enforce the federal Patient Protection and Affordable Care Act,
36 Public Law 111-148 or any order, law, statute, rule or regulation of the United States
37 Government made in connection with that Act is guilty of a Class D crime.

