

MAINE STATE LEGISLATURE

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SMG
R. G. S.

L.D. 1344

Date: 6/4/15

(Filing No. H-291)

INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 913, L.D. 1344, Bill, "An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, 89% of the more than 74,000 Maine residents enrolled in health insurance coverage through the State's federally facilitated marketplace receive premium assistance through advanced premium tax credits; and

Whereas, the validity of advanced premium tax credits through federally facilitated marketplaces is under review by the United States Supreme Court in King v. Burwell; and

Whereas, the United States Supreme Court decision expected in late June could affect the continued availability of advanced premium tax credits for Maine residents seeking to enroll or reenroll in health insurance coverage for the 2017 plan year; and

Whereas, this legislation establishes a state-based exchange if advanced premium tax credits through the State's federally facilitated marketplace are no longer available; and

Whereas, immediate enactment of this legislation is necessary to ensure that a state-based exchange can be implemented in a timely manner if the advanced premium tax credits are no longer available; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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1 Amend the bill in section 1 in §7202 in subsection 2 in the first line (page 1, line 20
2 in L.D.) by inserting before the following: "A state agency" the following: 'The
3 Governor or the Governor's designee shall interact with and cooperate with the Federal
4 Government on behalf of the State and is authorized to enter into any agreement with the
5 Federal Government related to the performance of any technical functions of the
6 exchange by the Federal Government.'

7 Amend the bill in section 1 in §7202 by inserting at the end the following:

8 '4. Funding for subsidies. Except for funds or grants provided by the Federal
9 Government, the State may not appropriate or allocate any funds toward the cost of
10 providing advanced premium tax credits or other subsidies to individual consumers
11 purchasing health insurance through the exchange.'

12 Amend the bill in section 1 by inserting at the end the following:

13 **'§7204. Repeal**

14 This chapter is repealed upon notification to the State or other public declaration by
15 the United States Department of Health and Human Services, Internal Revenue Service or
16 other department of the Federal Government that advanced premium tax credits will
17 become available to individuals purchasing health insurance coverage through a federally
18 facilitated marketplace established pursuant to the federal Affordable Care Act. The
19 superintendent shall notify the Secretary of State, the Secretary of the Senate, the Clerk of
20 the House of Representatives and the Revisor of Statutes when, pursuant to this section,
21 notification is received or public declaration is made.'

22 Amend the bill by adding after section 2 the following:

23 **'Sec. 3. Appropriations and allocations.** The following appropriations and
24 allocations are made.

25 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**
26 **Maine Health Benefit Exchange N205**

27 Initiative: Provides an allocation to establish a new fund for certain oversight costs
28 related to the Maine Health Benefit Exchange.

29	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
30	All Other	\$500	\$500
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

33 **Emergency clause.** In view of the emergency cited in the preamble, this
34 legislation takes effect when approved.'

35 **SUMMARY**

36 This amendment directs the Governor or the Governor's designee to interact with and
37 cooperate with the Federal Government with respect to the State's health benefit exchange

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COMMITTEE AMENDMENT "A" to H.P. 913, L.D. 1344

1 and authorizes the Governor or the Governor's designee to enter into any agreements for
2 the performance of the technical functions of the exchange by the Federal Government.
3 The amendment clarifies that the State may not appropriate or allocate any funds other
4 than federal funds for the costs of providing subsidies to individuals purchasing health
5 insurance coverage through the exchange. The amendment adds a repeal provision that
6 would repeal authorization for the state-based exchange if the Federal Government
7 notifies the State that advanced premium tax credits will become available to individuals
8 purchasing health insurance coverage through a federally facilitated marketplace
9 established pursuant to the federal Patient Protection and Affordable Care Act. The
10 amendment also adds an emergency preamble and emergency clause.

11
12

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/28/15 *mac*

127th MAINE LEGISLATURE

LD 1344

LR 1309(02)

An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-291)
Committee: Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This bill establishes the Maine Health Benefit Exchange. The current state administrative costs for overseeing the existing Federal Exchange have been minor. This bill includes \$500 base allocations to establish a new fund in the Department of Professional and Financial Regulation to accommodate any minor costs incurred in the oversight of the Maine Health Benefit Exchange.