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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 235, L.D. 335, “An Act to Safeguard Reproductive Rights”

Amend the bill by striking out the title and substituting the following:

**'An Act to Protect Funding for Family Planning Services'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA §1902, sub-§5-B** is enacted to read:

**5-B. Maine Title X grantee.** "Maine Title X grantee" means a provider of family planning services as defined in 42 Code of Federal Regulations, Section 59.2 that is based in the State; is licensed, certified or otherwise legally authorized to deliver services in the State; is engaged primarily in the delivery of reproductive health care and family planning services as described in 42 United States Code, Section 1396d(a)(4)(C); and has previously received funding under the Title X program.

**Sec. 2. 22 MRSA §1902, sub-§7** is enacted to read:

**7. Title X program.** "Title X program" means the program of grants for voluntary family planning projects described in Title X of the federal Public Health Service Act, 42 United States Code, Section 300.

**Sec. 3. 22 MRSA §1912** is enacted to read:

**§1912. Funding for Maine Title X grantees; substitute funding**

For any fiscal year after state fiscal year 2024-25, if the funding previously received by a Maine Title X grantee under the Title X program is reduced relative to the funds received in fiscal year 2024-25 or is eliminated as a result of action by the Federal Government or of a decision by the grantee to withdraw from receiving funding under the Title X program due to the imposition of conditions attached to the funding, the department shall grant state funds to the Maine Title X grantee equal to the difference between the

**COMMITTEE AMENDMENT**

1 amount the grantee received from the Title X program in fiscal year 2024-25 and the  
2 amount the grantee receives and accepts in any subsequent fiscal year.

3 **Sec. 4. 22 MRSA §1913** is enacted to read:

4 **§1913. Access to family planning services**

5 **1. Access to services.** In accordance with this chapter, the department shall provide  
6 funding to maintain statewide access to family planning services. The department shall  
7 issue a request for proposals from qualified providers of family planning services. The  
8 department shall select one provider to provide management and oversight of the delivery  
9 of family planning services in this State, including, but not limited to, the coordination and  
10 management of any grants to subrecipients, and shall distribute funds appropriated for that  
11 purpose.

12 **2. Fund established.** The Fund to Maintain Access to Statewide Family Planning  
13 Services, referred to in this section as "the fund," is established as a dedicated, nonlapsing  
14 fund within the department to provide family planning services under this section. The  
15 department may accept funds into the fund from any public or private source for the  
16 purpose of awarding a grant under this section. Any funds appropriated to the fund may  
17 not supplant other sources of funding. It is the intent of the Legislature that, beginning in  
18 fiscal year 2027-28, \$5,000,000 in ongoing funding be appropriated from the General Fund  
19 to the fund to be distributed to a single grantee.

20 **3. Grant.** The department shall make funds available from the fund in the form of a  
21 grant and may not distribute any funds under a fee-for-service basis.

22 **Sec. 5. 22 MRSA §3196-A** is enacted to read:

23 **§3196-A. Services provided by federally unfunded providers**

24 **1. Federally unfunded provider; definition.** For the purposes of this section,  
25 "federally unfunded provider" means a health care provider:

26 A. That is licensed, certified or otherwise authorized by state law to deliver health care  
27 services; and

28 B. That, pursuant to any federal law, the department may not pay using federal funds  
29 provided to carry out the state plan under Title XIX of the United States Social Security  
30 Act, for items or services provided on or after July 1, 2025 pursuant to federal law.

31 **2. State funding for services.** Family planning services, as defined by section 1902,  
32 subsection 4, and any other Medicaid-covered items or services lawfully provided to  
33 MaineCare members by a federally unfunded provider during any period for which federal  
34 funds may not be used to pay that provider, including any services provided between July  
35 1, 2025 and the effective date of this section, must be reimbursed with state funds. The  
36 department shall reimburse the federally unfunded provider at no less than the MaineCare  
37 rate established by the department for those services on the date the service was provided.  
38 If any federal funds were used to pay a federally unfunded provider prior to the effective  
39 date of this section, state funds must be used to substitute for any federal funds that the  
40 department is required to reimburse or adjust in its transactions with the United States  
41 Department of Health and Human Services.

1 **3. Discrimination prohibited.** The department may not discriminate against, exclude,  
2 limit the participation of or modify the payment plan of a provider in the MaineCare  
3 program because the provider is a federally unfunded provider for any period of time.

4 **4. Rulemaking.** The department shall adopt rules to implement this section. Rules  
5 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
6 375, subchapter 2-A. Rules adopted pursuant to this subsection may be effective  
7 retroactively to July 1, 2025, but any subsequent amendments to these rules may be  
8 retroactive only as permitted by section 42, subsection 8.

9 **Sec. 6. Emergency rulemaking.** The Department of Health and Human Services  
10 may adopt rules pursuant to the Maine Revised Statutes, Title 22, section 3196-A,  
11 subsection 4 as emergency rules without making findings as to the existence of any  
12 emergency required by the Maine Revised Statutes, Title 5, section 8054, subsection 2.

13 **Sec. 7. Appropriations and allocations.** The following appropriations and  
14 allocations are made.

15 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
16 **Medical Care - Payments to Providers 0147**

17 Initiative: Provides one-time funding to cover MaineCare members who received services  
18 from a prohibited provider under federal Public Law 119-21, Section 71113, with  
19 reimbursement for services provided after July 1, 2025 paid retroactively.

20 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
21 All Other	\$0	\$2,249,459
22		
23 GENERAL FUND TOTAL	\$0	\$2,249,459

24  
25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
26 number to read consecutively.

27 **SUMMARY**

28 This amendment replaces the bill, which is a concept draft, and changes the title. The  
29 amendment, which is the majority report of the committee, does the following.

30 1. It establishes the Fund to Maintain Access to Statewide Family Planning Services to  
31 provide a grant to a single qualified provider to provide management and oversight of the  
32 delivery of family planning services. It is the intent of the Legislature that, beginning in  
33 fiscal year 2027-28, \$5,000,000 be appropriated from the General Fund to the fund each  
34 year.

35 2. It requires the Department of Health and Human Services to provide funding to  
36 family planning services providers in the State if funding under Title X of the federal Public  
37 Health Service Act has been reduced or eliminated by the Federal Government or the  
38 provider has withdrawn from Title X funding due to the imposition of conditions attached  
39 to the funding.

40 3. It requires the Department of Health and Human Services to cover family planning  
41 services for MaineCare members who receive services from a provider that is a prohibited

1 provider under Section 71113 of federal Public Law 119-21 (2025) and any future similar  
2 federal law. Services provided after July 1, 2025 are reimbursed retroactively.

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**FISCAL NOTE REQUIRED**

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**(See attached)**