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An Act To Prohibit Enforcement by a Federal or State Official of the Federal Patient Protection and Affordable Care Act

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

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

CHAPTER 89

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

§ 7001. Findings

The Legislature finds that:

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

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

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

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

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

§ 7002. Prohibition

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

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

3. Civil action. A person aggrieved by a violation of subsection 1 or 2 has a civil cause of action against any person violating the provisions of subsection 1 or 2.

SUMMARY

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine. This bill prohibits a federal or state official, agent or employee from enforcing the federal Patient Protection and Affordable Care Act, or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000. The bill also allows a civil cause of action.