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Date: (Filing No. H- )

**INSURANCE AND FINANCIAL SERVICES**

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

COMMITTEE AMENDMENT “ ” 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,'

**COMMITTEE AMENDMENT**

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	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
30	All Other	\$500	\$500
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>

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

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 **FISCAL NOTE REQUIRED**

12 **(See attached)**