

TESTIMONY OF MEAGAN SWAY, ESQ.

**LD 199 – Ought To Pass**

**An Act to Improve the Health of Maine Residents by Removing  
Exclusions to the MaineCare Program**

Joint Standing Committee on Health and Human Services

March 28, 2023

Senator Baldacci, Representative Meyer and distinguished members of the Joint Standing Committee on Health and Human Services, greetings. My name is Meagan Sway, and I am policy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to vote *ought to pass* on LD 199.

The Fourteenth Amendment to the United States Constitution provides that “[n]o State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” In 1982, the United States Supreme Court reaffirmed this principle when it stated that immigrants, “even [immigrants] whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments.” *Plyler v. Doe*, 457 U.S. 202, 210 (1982) (citing *Shaughnessy v. Mezei*, 345 U.S. 206, 212 (1953); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886)). In *Matthew v. Diaz*, decided in 1976, the Supreme Court ruled that the Fifth Amendment protects immigrants whose presence in this country is unlawful from discrimination by the Federal Government. 426 U.S. 67, 77 (1976).

In other words, person means person, and all means all. This principle underpins not just the federal charter, but also the Maine Constitution, which states, “No person shall be . . . denied the equal protection of the laws.” Me. Const. Art. 1. sec. 6-A.

Currently, some of our immigrant neighbors are excluded from receiving healthcare under the MaineCare program. This is despite immigrants’ annual contribution of over \$190 million to the state’s tax revenues – money that helps fund MaineCare and other systems from which immigrants are excluded. This bill would give you a chance to fix this inherently unfair system. Indeed, it is not only just and equitable, but also fiscally sound to do so. Expanding MaineCare will reduce hospitals’ uncompensated care, lower mortality rates, and lower personal debt.<sup>1</sup>

This bill will end a vestige of official discrimination while strengthening our economy and making Maine’s communities healthier. We urge you to vote *ought to pass*.