

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 1204 – Ought to Pass

An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons

Joint Standing Committee on Health and Human Services

April 12, 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*.

Maine law already requires that incarcerated people whose incomes are too low to afford private health insurance receive publicly funded healthcare. 22 MRS §3174-CC (“Medicaid eligibility during incarceration”). Maine law also already requires the Department of Health and Human Services (“DHHS”) and Department of Corrections (“DOC”) to enter into a memorandum of understanding (“MOU”) to ensure that incarcerated people continue to receive healthcare. *Id.*

But the DOC is not the only state agency that oversees our correctional facilities. County governments play a significant role in overseeing jails, which house approximately 40% of incarcerated people in Maine. That is why it is important for counties, not just the DOC, to do everything they can to ensure that people in their custody receive healthcare.

If enacted, this bill would require the Department of Health and Human Services (“DHHS”) to enter into a memorandum of understanding (“MOU”) with the counties that have a jail in order to provide people in the jail’s custody with assistance in applying for MaineCare services.

Jails can save lives by following the law, as an interruption in healthcare benefits might mean the difference between life and death. As of last year, 61 percent of people incarcerated in Maine suffered from a substance use disorder, and 45 percent

with opioid addiction.¹ One study found that those who leave incarceration are 40 times more likely than the general public to overdose in their first week out.² By helping ensure that people leaving incarceration have health care, this bill will help people stay alive, and stand a better chance at reentering society successfully.

We urge you to vote *ought to pass*.

¹ WABI News Desk, Maine corrections officials tout wholistic approach to addiction treatment after prison renovation, WMTW, Sep. 21, 2022, available at <https://www.wabi.tv/2022/09/21/maine-corrections-officials-tout-wholistic-approach-addiction-treatment-after-prison-renovation/>.

² Shabbar I. Ranapurwala et al. "Opioid Overdose Mortality Among Former North Carolina Inmates: 2000—2015" , American Journal OfPublic Health 108, no. 9 (September 1, 2018): pp. 1207-1213.