



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1344

H.P. 913

House of Representatives, April 16, 2015

**An Act To Protect Maine Consumers in the Individual Health
Insurance Market and Support Maine's Economy**

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SANBORN of Gorham.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: BECK of Waterville, COOPER of Yarmouth, FOLEY of Wells, POULIOT of
Augusta, VACHON of Scarborough, Senators: KATZ of Kennebec, VOLK of Cumberland.

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

2 **Sec. 1. 24-A MRSA c. 93** is enacted to read:

3 **CHAPTER 93**

4 **MAINE HEALTH BENEFIT EXCHANGE ACT**

5 **§7201. Short title**

6 This chapter may be known and cited as "the Maine Health Benefit Exchange Act."

7 **§7202. Maine Health Benefit Exchange established**

8 **1. Exchange established.** The Maine Health Benefit Exchange, referred to in this
9 chapter as "the exchange," is established as the state-based exchange, including the
10 federally operated SHOP exchange, pursuant to Section 1311(b)(1) of the federal
11 Affordable Care Act. The exchange's technical functions listed in Section 1311(d)(4) of
12 the federal Affordable Care Act, including operation of the publicly accessible website,
13 telephone hotline, standardized format for presenting plan information, cost calculator,
14 exemption certification process and employer communication process, are those operated
15 by the Federal Government under Section 1321 of the federal Affordable Care Act.
16 Health insurance carriers offering qualified health plans on the exchange are subject to
17 such assessments or user fees as the Federal Government may impose in order to ensure
18 that operation of these technical components of the exchange are self-sustaining under
19 Section 1311(d)(5) of the federal Affordable Care Act.

20 **2. Cooperation with Federal Government.** A state agency or department may
21 interact with and cooperate with the Federal Government with respect to operation of the
22 exchange for the State and may, subject to availability of funding, perform any exchange
23 functions necessary to ensure continued eligibility of citizens of this State for premium
24 tax credits and cost-sharing reductions under Title I, Subtitle E, Part I of the federal
25 Affordable Care Act.

26 **3. Operation of certain exchange functions.** A state agency or department may
27 operate any exchange function consistent with this section to enable the continuation of
28 traditional areas of state regulation and authority. Under Section 1311(d)(4)(A), (D), (F)
29 and (K) of the federal Affordable Care Act, a state agency may perform plan management
30 functions for the exchange, including plan certification, plan quality rating and related
31 functions with respect to qualified health plans, and may operate consumer assistance
32 functions to inform enrollees of their options and to enroll them in coverage.

33 **§7203. Relation to other laws**

34 This chapter, and any action taken by the exchange, may not be construed to preempt
35 or supersede the authority of the superintendent to regulate the business of insurance
36 within this State. Except as expressly provided to the contrary, all health carriers offering
37 qualified health plans in this State shall comply fully with all applicable health insurance
38 laws of this State and rules adopted and orders issued by the superintendent.

