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INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 221, L.D. 659, Bill, “An Act To Amend the Maine Guaranteed Access Reinsurance Association Act”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 24-A MRSA §3953, sub-§1, as amended by PL 2015, c. 404, §1, is further amended to read:

1. Guaranteed access reinsurance mechanism established. The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. ~~Except as provided in section 3962~~ Unless an earlier resumption of operations is ordered by the superintendent in accordance with paragraph A, operations of the association are suspended until December 31, 2023 except to the extent provided in section 3962 and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section 3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State until December 31, 2017.

A. If the board proposes a revised plan of operation that calls for the resumption of operations earlier than December 31, 2023 and the superintendent determines that the revised plan is likely to provide significant benefit to the State's health insurance market, the superintendent may order the association to resume operations in accordance with the revised plan. This paragraph applies only if:

- (1) An innovation waiver under Section 1332 of the federal Affordable Care Act as contemplated by paragraphs B and C is granted; or

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- 1 (2) The federal Affordable Care Act is repealed or amended in a manner that
2 makes the granting of an innovation waiver unnecessary or inapplicable.

- 3 B. After consulting with the board and receiving public comment, the superintendent
4 may develop a proposal for an innovation waiver under Section 1332 of the federal
5 Affordable Care Act that facilitates the resumption of operations of the association in
6 a manner that prevents or minimizes the loss of federal funding to support the
7 affordability of health insurance in the State.

- 8 C. With the approval of the Governor, the superintendent may submit an application
9 on behalf of the State in accordance with the proposal developed under paragraph B
10 for the purposes of resuming operations of the association to the United States
11 Department of Health and Human Services and to the United States Secretary of the
12 Treasury to waive certain provisions of the federal Affordable Care Act as provided
13 in Section 1332. The superintendent may implement any federally approved waiver.'

14 **SUMMARY**

15 This amendment replaces the bill. The amendment extends the suspension of the
16 operations of the Maine Guaranteed Access Reinsurance Association until December 31,
17 2023. The amendment also authorizes the Superintendent of Insurance to develop a
18 proposal for an innovation waiver under Section 1332 of the federal Patient Protection
19 and Affordable Care Act to facilitate the resumption of operations of the association and,
20 if approved by the Governor, to apply for and implement a Section 1332 waiver. The
21 suspension of the operations is continued until 2023 to reflect that innovation waivers are
22 granted for 5-year terms.

23 **FISCAL NOTE REQUIRED**
24 **(See attached)**