



CHELLIE PINGREE  
CONGRESS OF THE UNITED STATES  
1<sup>ST</sup> DISTRICT, MAINE

September 17, 2018

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Administrator Verma:

As you know, the State of Maine recently submitted a State Plan Amendment (SPA) ME-18-0006, 18-0007 which seeks to expand Medicaid to the adult population for those with incomes up to 133 percent of the federal poverty level (effectively 138% of FPL with a federal disregard) as outlined in the Patient Protection and Affordable Care Act (ACA; P.L. 111-148, as amended).

In accordance with applicable law and precedent, I urge you to move expeditiously to complete the federal approval of Maine's SPA, thus ensuring that an estimated 70,000 adults will be able to access needed and potentially life-saving health care. A clear intention of the ACA was increased access to health insurance for the uninsured – an intention made clear by providing for the expansion of Medicaid coverage to adults with incomes up to 138% of FPL with significantly enhanced federal financing. When upholding the constitutionality of the ACA in 2012, the U.S. Supreme Court's decision in *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012) at 585-586, declined to "rewrite" this central provision, ruling only that the Secretary may not withhold other federal participation in a State's Medicaid program if the State declines to participate in the expansion. To date, thirty-two states and the District of Columbia have wisely opted to pursue expansion, and as a result, approximately 15 million more people across the country have benefited from Medicaid coverage. The program has contributed to improved physical and financial wellbeing for these Americans and their families.

In 2017, Maine voters supported the expansion of Medicaid, enacting "An Act to Enhance Access to Affordable Health" by an indisputable margin and becoming the first state to approve expansion through the referendum process. Although the Maine Legislature had approved an expansion of Medicaid five times in the past five years, they did not have sufficient votes to overcome repeated gubernatorial vetoes. Maine's Constitution, however, does not allow the Governor to veto a measure enacted by the voters. See Me. Const. art IV, pt. 3, § 19. Therefore, the choice to expand eligibility under the ACA is now the law in Maine. This past June, the Legislature voted to provide additional Medicaid funding in light of the expansion enactment, only to see this measure vetoed by the Governor. It is clear that the choice of Maine's citizens to ensure that more low-income people have access to health coverage has been lawfully made, notwithstanding the political motivations of Maine's Governor to the contrary. Accordingly, the Governor's statement accompanying the SPA should be disregarded in its entirety.

Moreover, Maine's Medicaid Expansion Act, which became effective on January 3, 2018, and is codified at 22 M.R.S. § 3174-G(1)(H), specifically requires that eligibility for such expanded coverage is to occur "[n]o later than 180 days after the effective date of this paragraph..." Thus, Mainers became eligible for expanded Medicaid coverage effective July 2, 2018. Hundreds of Mainers who have applied since that

date, in accordance with the statute, are being denied due only to the callousness of Maine's Governor. Maine's SPA should be approved with an updated and accurate effective date thus allowing for retroactive coverage consistent with the law.

Thank you for your consideration. Again, with an updated and accurate effective date, Maine's SPA providing for expanded health care through the State's Medicaid program aligns with the demonstrated will of the people and Maine law, and should be approved without delay.

Sincerely,

A handwritten signature in blue ink that reads "Chellie R" followed by a long horizontal flourish.

Chellie Pingree  
Member of Congress

cc: Governor Paul R. LePage  
Michael D. Thibodeau, President of the Senate  
Sara Gideon, Speaker of the House