

§5404. Powers and duties of the commissioner

1. Powers. In addition to any other powers specified in this chapter and subject to any limitations contained in this chapter or in any other law, the commissioner:

- A. Has and may exercise powers necessary to carry out the purposes for which the marketplace is organized or to further the functions in which the marketplace may lawfully be engaged, including the creation and operation of the marketplace; [PL 2019, c. 653, Pt. A, §1 (NEW).]
 - B. May charge user fees to health insurance carriers that offer qualified health plans in the marketplace or otherwise secure funding necessary to support the functions of the marketplace subject to the limitations imposed by section 5406; [PL 2019, c. 653, Pt. A, §1 (NEW).]
 - C. May apply for and receive funds, grants or contracts from public and private sources to be used for marketplace functions; [PL 2019, c. 653, Pt. A, §1 (NEW).]
 - D. May enter into interagency agreements with state or federal entities as considered necessary to efficiently and effectively perform marketplace functions; and [PL 2019, c. 653, Pt. A, §1 (NEW).]
 - E. May enter into contracts with qualified 3rd parties both private and public for any service necessary to carry out marketplace functions. [PL 2019, c. 653, Pt. A, §1 (NEW).]
- [PL 2019, c. 653, Pt. A, §1 (NEW).]

2. Duties. The commissioner shall:

- A. Direct the operations of the marketplace as provided in this chapter; [PL 2019, c. 653, Pt. A, §1 (NEW).]
- B. Consult with stakeholders regarding the execution of the functions of the marketplace required under this chapter. Stakeholders include, but are not limited to:
 - (1) Educated health care consumers who are enrollees in qualified health plans;
 - (2) Individuals and entities with experience in facilitating enrollment in qualified health plans;
 - (3) Representatives of small businesses and self-employed individuals;
 - (4) Representatives and members of the MaineCare program;
 - (5) Advocates for enrolling hard-to-reach populations;
 - (6) Representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation, appointed by the tribes' respective chiefs in consultation with their tribal councils;
 - (7) Representatives of health care providers;
 - (8) Representatives of insurance carriers;
 - (9) Representatives of insurance producers; and
 - (10) Any other groups or representatives required by the federal Affordable Care Act and recommended by the commissioner; [PL 2019, c. 653, Pt. A, §1 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]
- C. Accept recommendations from the superintendent on certification of qualified health plans and shall exercise the discretion to delegate to the superintendent authority and duties as appropriate for effective administration of the marketplace, including but not limited to the responsibility for plan management. Authority delegated pursuant to this paragraph is in addition to any other powers or duties of the superintendent established by statute with respect to the marketplace; and [PL 2019, c. 653, Pt. A, §1 (NEW).]

D. Initially and subsequently as needed assess and report to the joint standing committee of the Legislature having jurisdiction over health insurance coverage matters on the feasibility and cost of the State's using the federal platform as described in 45 Code of Federal Regulations, Section 155.200(f) compared to the State's performing all the functions of a state-based marketplace as described in 45 Code of Federal Regulations, Section 155.200. These reports must consider the availability of federal grants, whether existing user fees are sufficient to create and operate state-run functions and whether use of a state-run platform would improve the accessibility and affordability of health insurance in the State. [RR 2023, c. 2, Pt. A, §33 (COR).]

[RR 2023, c. 2, Pt. A, §33 (COR).]

SECTION HISTORY

PL 2019, c. 653, Pt. A, §1 (NEW). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF). RR 2023, c. 2, Pt. A, §33 (COR).

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