

LD 1024: An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine's Good Samaritan Law Concerning Medical Related Assistance.

OPPOSE

Senator Beebe-Center, Representative Hasenfus, members of the Criminal Justice & Public Safety Committee, My name is Mikki Rice, I am the Director of Overdose Prevention at Maine Access Points. Maine Access Points or MAP for short, is a Tier 1 Naloxone Distributor across the state of Maine since 2018.

I am testifying on behalf of Maine Access Points in opposition to LD 1024: An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine's Good Samaritan Law Concerning Medical Related Assistance.

Thanks to grassroots Harm Reduction and Recovery organizers, lawmakers, and Governor Janet Mills, Maine passed the strongest Good Sam Law in the country in 2022. Since August 2022, if 9-1-1 is called when someone is experiencing an overdose, the person who is experiencing the medical emergency and anyone present at the scene that is "rendering aid" has immunity from being charged with most crimes, including drug crimes. They also cannot be arrested on warrants or have their bail, probation, community confinement, or deferred disposition revoked. These protections do not extend to crimes against children, sex crimes, or violent crimes.

2024 was the first year since 2019 that fatal overdoses decreased in Maine from 608 in 2023 to 480 in 2024. Even though there was a decrease, Maine still has the highest fatal overdose rate in the Northeast. We don't know how much of an impact the strong Good Samaritan Law makes on those numbers because drugs are criminalized. It is harder to study the effect of specific interventions on fatal overdoses but now is not the time to roll back the protections that the Good Samaritan law provides.

LD 1024: An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine's Good Samaritan Laws Concerning Drug related Medical Assistance" seeks to roll back the protections of the current law. If LD 1024 were to pass as written it would add Unlawful Trafficking, Unlawful Furnishing, OUI and Possession of a firearm by a prohibited person to the crimes that someone can be charged with at the scene of an overdose. People are often charged with Trafficking or Furnishing even if they are not trafficking or furnishing their drugs to others, simply because of the amount of drugs they have in their possession.

As a person who formerly used drugs and the Director of Overdose Prevention at MAP who works with people who use drugs and trains people in overdose response and naloxone administration, there is no doubt in my mind that if we allow this bill to make it into law people will be less likely to call for help in the event of an overdose, a life-threatening medical emergency, which will undoubtedly lead more people to die at a time when we are just starting to see some progress in fatal overdoses.

Since 2022 we have had to defend the expansion every session. In fact this bill is nearly a carbon copy of LD 714, a bill that was introduced in 2023 by Senator Lyford and Representative Campbell. The bill received a majority Ought Not To Pass out of committee and the Senate and House upheld that recommendation as they should.

The whole point of expanding the Good Sam Law or having a Good Sam Law in the first place is so that people will feel more comfortable calling 9-1-1 in the event of an overdose. A medical emergency should not be a time where the police can come in and start arresting people. It is more important than ever to keep our Good Samaritan Law strong in a time when we are just starting to see progress. In a more just world the police would be required to work in an EMS capacity ONLY at the scene of a medical emergency, or we would have the ability to not have the police respond at all to crisis and medical calls, but at the very least we should not be weakening our Good Samaritan Law and making people more afraid to call 9-1-1.

I will say now just as I said in 2023, we know what works to decrease overdose deaths (Harm Reduction, Naloxone access, decriminalizing drug use, a regulated safe supply, etc.) We know that criminalizing drugs doesn't lessen the number of people doing drugs or the number of people dying from a preventable overdose.

We at Maine Access Points urge the committee to do the same as was done in 2023 and vote Ought Not To Pass on LD 1024 and send the message that we want to continue to have the strongest Good Samaritan law in the nation because we don't want to see people die from preventable deaths.

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On Behalf of Maine Access Points
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