



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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January 7, 2026

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Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Joint Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 1646: An Act to Amend Maine's Good Samaritan Laws Regarding Suspected Drug-related Overdoses.

Dear Senator Beebe-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice and Public Safety Committee:

MACDL supports LD 1646 and states as follows.

Maine's Good Samaritan Law went into effect in 2019. *See 17-A M.R.S. §1111-B.* The title of the bill demonstrates the law's plain intent to protect people from criminal prosecution when law enforcement is called to the scene of a crime due to a suspected drug overdose. The law places the value of a person's life above the value of a single criminal prosecution.

The Maine Supreme Judicial Court recently interpreted §1111-B in a way that undermines the purpose of the law. In particular, it held that the question whether law enforcement has responded to a "medical emergency . . . for a suspected drug-related overdose" is a question that should be decided on a "subjective" as opposed to "objective" basis. *State v. Beaulieu*, 2025 ME 4, ¶ 18. In plain English, the Law Court appears to require a party calling in a medical emergency to identify it as a "suspected drug-related overdose." This is contrary to the life-saving purpose of the Good Samaritan Law as well as common sense.

Medical emergencies are extremely stressful and fraught situations by their very nature. People suffering or witnessing medical emergencies are not trained legal or medical professionals. The average person uses very simple language during a medical emergency and is only interested in hearing "help is on the way." Medical emergencies related to drug-use are further complicated by shame and fear. A father may suspect or even know his daughter is struggling with a drug addiction, but may not wish to voice those beliefs or fear the consequences of doing so on a call with medical professionals or law enforcement.

LD 1646 recognizes these basic realities about how people experience and report medical emergencies and replaces the phrase "medical emergency" with a set of objective symptoms associated with a drug-related medical emergency. This amendment clarifies an undefined and

ambiguous term consistent with the original intent and purpose behind Maine's Good Samaritan Law. This clear definition will result in an even and predictable application of the law that is consistent with its intent and purpose.

For all these reasons, MACDL urges this committee to vote LD 1646 ought to pass.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.
MACDL President