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## MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Amend Maine’s Good Samaritan Laws Regarding Suspected Drug-related Overdoses”

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing Date: January 7, 2026

Testimony in OPPOSITION of LD 1646

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association. I am submitting this testimony in opposition of LD 1646.

This bill would expand the scope of Maine’s Good Samaritan law in two significant ways. First, it would remove the reference to “medical emergency” in the initial paragraph of the statute that defines the application of the statute. Second, it would include calls for assistance for a person exhibiting symptoms of an overdose that come with a very broad definition of included symptoms.

Removing the requirement for a call “of a medical emergency” and including “calls for assistance for a person exhibiting symptoms of a drug-related overdose” will provide immunity to many situations that do not involve a drug overdose. Since the bill only requires “a call for assistance for a person exhibiting symptoms of a drug-related overdose” and then defines those symptoms broadly, this could include a 911 call from victim stating they have come downstairs and someone is on their couch snoring loudly. If all the elements of the crime were met, this could be prosecutable pursuant to Maine’s burglary statute (17-A M.R.S. § 401). However, if this bill became law, this person may be immune from prosecution even if the person had never ingested drugs and the victim of the crime wanted this person prosecuted for the illegal entry of their residence. The victim was not concerned about a medical emergency, but was just literal in what they were witnessing when speaking to the dispatcher.

The bill’s definitions of “symptoms of a drug-related overdose” has a catch all phrase “of any other symptom that could reasonably be associated with drug ingestion, use, or exposure.” This does not require that it **is** a symptom of drug-related overdose, only that it reasonably **could** be associated. Effectively, all of these symptoms and the catch all provision would provide immunity to many calls that have nothing to do with a drug overdose.

The purpose of the Good Samaritan law was to have people call for help when someone was experiencing a drug overdose, who otherwise would not, because of fear of prosecution. As much as this law is being used for that purpose, we have seen it been used for purposes not as noble. The law had to be changed multiple times now to exclude more crimes because of the practical reality of when immunity was being asserted. Most recently, Operating Under the Influence (29-A M.R.S. § 2411) was added to the excluded crimes for immunity because of the pervasive way the law was applied to protect people under the influence -both alcohol and drugs- while driving. The more this law is broaden, the more ability there is to have it applied in situations that were unattended.

For these reasons, the Maine Prosecutors Association is opposed to LD 1646.

Sincerely,

*Shira S. Burns*

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