

January 7, 2026

Dear Chairs Carney and Kuhn and distinguished members of the Committee on Judiciary:

I am writing on behalf of the PDS staff in **support** of LD 1646: An Act to Amend Maine's Good Samaritan Laws Regarding Suspected Drug-related Overdoses. This bill would provide clarity, leading to appropriate enforcement by officers and attorneys trying to effectuate the current law.

While serving as the District Defender with the Capital Region Public Defenders, my office dealt with a variety of cases. Occasionally, we had clients that came to us who seemed to fit within scope of individuals protected by the immunity statute. These cases started when someone called 911, asked for medical assistance, and described individuals exhibiting symptoms related to an overdose. A few examples include, a staff member at a pharmacy described a man passed out in a car in the parking lot; a nurse called to ask for help for a man who had recently undergone heart surgery who was acting erratic, disorientated, and sweating; a call from a residence that was associated with substances for help with someone who was non-responsive. In all of these cases, none of the callers said the word overdose in their call but later indicated they believed the person had ingested a substance and, as a result of their appearance, needed medical attention.

The purpose of this statute is to prevent instances like the ones described above from becoming criminal cases at all. These cases should never get to the point where they have an attorney representing them. The goal of this bill is to clarify the law so that it can fulfill that purpose.

Some of the changes brought by the Court's interpretation in *State v. Beaulieu* make the statute difficult to use when law enforcement arrives, since some of the language in the existing statute requires the caller to have information that they do not have the capacity to know in that moment for the law to apply. For this statute to be effective, it is critical that the language is clarified and simplified. We want people to call for help when they think someone is suffering from an overdose without requiring that they use the term "overdose", so that they are not worried about potential consequences of calling. We want to encourage people to potentially save a life. When they describe symptoms of an overdose, they are trying to get emergency help for someone they believe to be unwell and in need of immediate medical attention. These proposed changes will facilitate the implementation of the law as was originally intended.

I appreciate your consideration of this bill and urge you to vote "ought to pass" on this important legislation.

Thank You,

Frayla Tarpinian  
Executive Director  
Maine Commission on Public Defense Services

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