

CLAC TESTIMONY OPPOSED
LD 1646, Act to Amend Maine's Good Samaritan Laws
Regarding Suspected Drug-related Overdoses

TO: Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)
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RE: LD 1646, An Act to Amend Maine's Good Samaritan Laws Regarding Suspected Drug-related Overdoses

DA: January 13, 2026

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 1646 as originally published.

A majority of CLAC members opposed LD 1646 as going beyond the purpose of the Good Samaritan statute and not necessary to clarify the statute. The law was originally designed to encourage persons at the scene of a suspected drug-overdose, who might be afraid to seek assistance due to fear of consequences for being at such a scene or part of a drug-using community, by extending immunity to “protected persons” at the scene. The proposed language appears to broaden the scope of the statute beyond this purpose. See *State v. Beaulieu*, 2025 ME 4, ¶ 19 (“We disagree that the statute is ambiguous. Here, the clause ‘in response to a call for assistance for a suspected drug-related overdose’ is susceptible to only one reasonable interpretation: the caller must suspect that a drug-related overdose has occurred.”) and ¶18, n. 5 (“Though we ultimately need not turn to legislative history to decide this case, we nevertheless observe that the legislative record reveals a purpose of the statute more focused than simply saving lives. Floor debates of the corresponding bill in the House and Senate demonstrate that the statutory immunity was intended to incentivize individuals in “drug-using communities”—who are “on the scene” of a drug overdose—to call 9-1-1 without fear of prosecution.”).

A minority of CLAC was not opposed, reading the bill as expanding it beyond emergency situations.

A proposed amendment to the bill was not available to CLAC at the time of our initial review of the bill’s language. However, the CLAC Chair understands that a proposed amendment includes provisions for training law enforcement who may be responding to suspected drug overdoses. Although this provision was not addressed, I will represent that CLAC members generally support efforts related to enhancing training of law enforcement and criminal justice professionals. We do not have the information needed to comment on the content or frequency of such training at this time.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.