



MAINE MUNICIPAL
ASSOCIATION SINCE 1936

60 Community Drive | Augusta, ME 04330-9486

1-800-452-8786 (in state)
(T) 207-623-8428
(F) 207-624-0129

Testimony of the Maine Municipal Association

Neither For Nor Against

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

March 30, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am submitting testimony neither for nor against, LD 1024, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Firearm offenses cause the most egregious harm to the norms of gun ownership, and community safety. Even where lawfully allowed, their use is never waivable from related investigation even for those bestowed the penultimate state authority for the use of deadly force. Police officers who use deadly force are immediately under criminal investigation and removed from duty until the actions and circumstances are fully evaluated. They are not exempt from an investigation simply because they rendered aid to individuals at the scene.

Municipal officials reviewing this bill were shocked to learn that possession of a weapon by an individual who has been prohibited from gun possession could possibly be considered uninvestigable simply because an individual at the scene called for medical assistance for an individual in the midst of an overdose. Individuals under the influence of an impairing substance and willfully disregarding the existing gun laws of the state pose a significant threat to the community.

Officials believe there should be no prosecutorial or enforcement discretion against the possession of a firearm by a prohibited person, no more than the use of a weapon for protection against a perceived threat should automatically shield an individual from criminal investigations related to its use. Community leaders are increasingly concerned around the use of prosecutorial discretion to diminish offenses that are threatening enough to result in a permanent weapons prohibition following adjudication resulting in a negotiated charge and disposition to a lower offense without such a restriction.

While the intent of the Good Samaritan Laws is to encourage individuals to call for medical assistance on behalf of someone experiencing an overdose, they feel the intent was to prohibit prosecution from drug related material likely also to be in possession of the caller. Officials remain concerned that exemption from drug trafficking laws may encourage an unenforceable open drug market around a drug involved premise, they believe the law enforcement and prosecutorial professionals should weigh in on this section of the policy argument and take no position on these sections of the proposed legislation.

For these reasons, municipal officials have taken a position of neither for nor against LD 1024 to allow staff to express concerns around statutory exemptions that make it hard to address community violence, and balanced discretionary enforcement as you deliberate the policy positions proposed by LD 1024.