



**Testimony in Opposition of 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**

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

My name is Tess Parks. I am the Policy Director of the Maine Recovery Action Project (ME-RAP), a grassroots network of Mainers working on community and public policy based solutions to substance use. I am here today testifying in **strong opposition of LD 1024**.

Maine's Good Samaritan Law was intentionally expanded in 2022 to provide immunity for unlawful furnishing and trafficking of scheduled substances - offenses that frequently occur at the scene of an overdose. Although what constitutes furnishing and trafficking may vary by substance, I want to call your attention to our laws regarding fentanyl. Under Maine State law, possessing 2+ grams of fentanyl powder can lead to an unlawful furnishing charge<sup>1</sup>, while 4+ grams can result in an unlawful trafficking charge<sup>2</sup>. For reference, 2-4 grams is about the size of a sugar packet. It is important to highlight that 72% of all confirmed overdose deaths in 2024 involved fentanyl or fentanyl analogs<sup>3</sup>.

Fentanyl is fast-acting, leading many users to take it more frequently. Furthermore, individuals with opioid use disorder (OUD) develop tolerance over time, requiring higher doses for the same effect. Both of these factors combined lead to individuals needing to possess and use more of it to avoid withdrawal symptoms. We know that it is not uncommon for someone with OUD to possess 2-4 grams of drugs for a day or a few days worth of use. Consequently, individuals with OUD are more likely to be charged with furnishing or trafficking, even if the amount of the substance in their possession is for personal use. Intent becomes irrelevant when drug charges are based on weight.

Furnishing of a Scheduled W drug is a Class C crime, punishable by up to five years in prison and a \$5,000 fine. Drug trafficking is a Class B crime, punishable by up to 10 years in prison and a \$10,000 fine. Prior to the expansion of our Good Samaritan Law, people were forced to choose between saving lives and their futures. Many chose not to call 911. This fear cost us many of our neighbors.

Ultimately, all of the proposed crimes for exclusion from immunity can still be charged in various other situations. They are being charged. However, this Legislature decided in a bipartisan fashion in 2022 that saving a human life must be the priority at the scene of an overdose. We urge this Committee to reaffirm that choice by rejecting LD 1024.

Thank you for your time and consideration. I am happy to answer any questions you may have.

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<sup>1</sup> 17-A MRSA §1106, sub-§3, ¶C-2

<sup>2</sup> 17-A MRSA §1103, sub-§3, ¶C-2

<sup>3</sup> [https://mainedrugdata.org/wp-content/uploads/2025/02/2024-12-ME\\_OD\\_Report-Final1.pdf](https://mainedrugdata.org/wp-content/uploads/2025/02/2024-12-ME_OD_Report-Final1.pdf)

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