



STATE OF MAINE
SEX OFFENDER MANAGEMENT AND RISK
ASSESSMENT ADVISORY COMMISSION

Kent Avery, Chair
Adam Silberman, Secretary-Treasurer
Elizabeth Coleman
Anne Jordan, ex-officio
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February 8, 2022

Re: LD 1862 - An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance

Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety:

The Sex Offender Management and Risk Assessment Advisory Commission (“Commission”), 34-A M.R.S.A. §11401-11405, submits the following testimony regarding LD 1862 - An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance:

The Commission offers this testimony neither for nor against LD 1862, but to highlight potential legal issues with the bill as drafted.

The Commission recommends that rather than referencing the definition of “sexually violent offense” contained in SORNA 1999 (line 17 of the bill), that the definition of “violent crime” contained in the bill (lines 13-17) be expanded to enumerate specific sex crimes (see also, Commission testimony re: LD 1888). It should be noted that the term “sexually violent offense” is contained in the former SORNA 1999, which does not apply to currently convicted individuals. It only applies to a discrete set of individuals who were sentenced before January 1, 2013. The currently applicable SORNA Act, SORNA of 2013, contains no such definition; reliance on a definition contained in a prior SORNA Act, or any SORNA Act, does not seem appropriate. Preferable would be a definition in the bill that lists the sex crimes the Legislature wishes to include as “violent crimes.”

The Commission also recommends, in addition to crimes, that the immunity provided in the bill not be extended to probation violations for “violent crimes.” This oversight was corrected in the last session, but needs to be addressed in this bill as well. The Commission recommends adding the language “unless the violation constitutes a violent crime,” on Line 11 after the existing language “for a violation of probation,”

Finally, the Commission is aware of a January 18, 2022 proposed amendment to LD 1862 and has the same concerns were the amendment to be adopted.

The Commission, through the Chair, is available for any Work Session or to provide any support necessary to craft final language.

Kent Avery
Chair, Sex Offender Management and Risk Assessment Advisory Commission