

LD 1862—Ought to Pass

An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance

Joint Standing Committee on Criminal Justice and Public Safety

February 9th, 2022

Senator Deschambault, Representative Warren, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. We are a concerned group of undergraduate students from the University of Maine writing in support of LD 1862, An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance.

In 2021 alone, an estimated 636 Mainers died due to the use of prescription and illicit drugs, a 23% increase from the year prior and a 67% increase from 2019.¹ The passage of LD 1862 will lead to a reduction in future drug deaths by fixing the holes in the law that the legislature passed unanimously in 2019. As undergraduate students researching the state of the substance-use recovery community in Maine, we are preparing to release a survey gauging the attitudes of recovered individuals on proposed decriminalization and legalization policies in Maine. Based on extensive background research, we strongly believe that a large majority of those in active recovery would strongly support LD 1862 for the following reasons.

Despite the fact that Maine is one of 40 states to have a “Good Samaritan” law, Mainers at the scene of an overdose often find themselves too afraid to call for help.² Forced to make a choice between the health of their friend or loved one and the prosecution of bystanders, Mainers are dissuaded from calling for help. These drug-related deaths could be easily prevented.

Maine’s Good Samaritan law does not currently protect anyone at the scene of an overdose from being searched by police upon their arrival. The current law only protects the 9-1-1 caller and overdose victim from arrest or prosecution. All others at the scene are left subject to these potential penalties and more. Bystanders may face eviction or Maine DHHS intervention, and individuals who were found sharing or trading drugs with an overdose victim could be convicted of up to 30 years in prison. LD 1862 would fix these problems and help ensure that those at the scene of an overdose do not have to choose between death or a life of incarceration, loss of child custody, or homelessness.

As a group of young people concerned about the upward trend of drug deaths in Maine and about the future health of our state, we hope you will vote in favor of LD 1862 to support those most at risk of drug-related deaths and convictions.

Sincerely,

Michael Delorge (Class of 2024)

Bonnie Snyder (Class of 2022)

¹ Sorg, Marcella H., (2022. January 7) Maine’s Overdose Data and The Fentanyl Epidemic [PowerPoint slides]. Margaret Chase Smith Policy Center, University of Maine.

² National Conference of State Legislatures. (2017, May 6). Drug Overdose Immunity and Good Samaritan Laws. Drug overdose immunity and good samaritan laws. Retrieved February 6, 2022.