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Testimony of Sen. Chloe Maxmin introducing
**LD 1862, An Act To Strengthen Maine's Good Samaritan Laws Concerning
Drug-related Medical Assistance**
Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault, Representative Warren, and honorable members of the Committee on Criminal Justice and Public Safety—

My name is Chloe Maxmin. I represent Senate District 13, which includes all of Lincoln County except for Dresden, plus Washington and Windsor—a total of twenty-seven towns. Thank you for the opportunity to speak in support of LD 1862, An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance.

I've been in the Legislature for four years, and this is the most important bill that I've worked on. Before I begin, I ask you today to please keep an open mind and heart. The pure intent of this bill is to save Maine lives. It is rare that we see bills that will have such an immediate impact and that are so desperately needed. But this is one of them. For all of us who campaigned on confronting the drug epidemic and fighting for those experiencing substance use disorder—this is our opportunity.

As many of you know, 636 Mainers died in 2021 of an overdose. This is a new record, a 23% increase over 2020. We read headlines like this, seeing the numbers and the statistics. But today I ask you to think about this as 636 families and friends losing loved ones. This is the reality in our communities.

There are many factors that have led to the tragedies of overdoses. Yet there are more and more stories of a key reason: people are afraid to call 911 when someone is overdosing. They're afraid of risking arrest, of getting swept up in our criminal justice system and paying a lifetime of consequences for one moment. This bill aims to fix that.

You may remember in the 129th that we passed Maine's Good Samaritan Law. However, this law is very limited. It provides immunity for the person calling 911 and the person overdosing for a very specific set of crimes, such as possession of drugs or hypodermic needles. The stories from the ground reveal a stark truth: this law is not enough. Its limited nature is causing doubt and confusion. The default? Don't call 911. You will hear stories today of people who didn't call 911 for fear of arrest, and someone died as a result. You'll also hear stories of people who did call 911 and were needlessly arrested for saving a life. Sometimes this is because someone was making a call while another person performed CPR, and the person performing CPR was arrested because they are not covered under the current law.

Something must change. When someone is dying, no one will think: if I call 911, am I covered? This law needs to be expanded to save lives. It needs to be clear and easy.

I'm presenting an amended bill today, which has many important changes thanks to the work of the Criminal Law Advisory Commission (CLAC). Here is how our bill works. Who is protected? *Everyone* at the scene of a place where someone has made the good faith call to seek medical assistance for a drug-related overdose. When are they protected? From the time 911 is called until emergency services leave the location of the overdose.

In Section 1A of the bill, you will see who is excluded from immunity. In summary, any violent crimes, crimes against children, sexual crimes, conspiracy, solicitation, and arson—as well as any attempts at these crimes—are excluded. Furthermore, if there is independent evidence of a crime that did not derive from the scene of the overdose, that is excluded as well.

I'll address a couple common questions head on. If someone supplies the drugs that results in a death, what happens? That could be charged as manslaughter, which is considered a violent crime, so it is excluded. Someone else asked me: if someone has 40 pounds of heroin on them, can they just walk away? If someone is transporting that quantity of heroin, there will most likely be independent evidence against them, and they would be excluded. Another asked: what if someone has sold tainted drugs to multiple people, which resulted in multiple deaths—are they excluded? Again, there will likely be independent evidence of this distribution, which is excluded from immunity.

I address these questions because I know that they will come. I also want to use it as an opportunity to ask us to focus on the reality of drug overdoses. Mostly, someone is surrounded by family or friends, not a supplier with 40 pounds of heroin. We can think of “what if’s” and extreme scenarios all day long. The point is that our communities are calling on us, their government, for urgent relief. **The difference is not whether or not someone gets caught. The difference is whether someone lives or dies.** Let's stay rooted in the reality instead of hypothesizing.

I also wanted to add that this bill is not an attack on our law enforcement. I honor the work of those on the frontlines in our community. This bill is a fight for our families and friends struggling with substance use disorder. It is a bill grounded in the harrowing moments of an overdose, providing a clear and needed solution that will actually save lives. This is not a political issue. It's not about who's right, who's wrong, what Party we're in, if we're facing re-election, or if we hold grudges. This is about an emergency in our state.

You will hear many stories today that shine a light on the need for this bill. I know that we'll hear opposition as well. Through it all, please remember our intent. I'll say it one more time: to save lives.

Tomorrow, in Augusta, we'll be handing out purple ribbons for Legislators to wear during Session and for the State of the State. If you're so moved, please seek us out. We'll get you a ribbon.

For legal questions, I direct you to Walter McKee, an experienced attorney with subject matter expertise on this issue. For questions about the bill language, what it covers, and how it works—I direct you to him. He has patiently answered my questions on how exactly it would look if this bill was put into effect.

Lastly, I wanted to thank the incredible advocates who brought this bill to me and who are here today to share their stories. This is hard and vulnerable work. I believe that it is our upmost responsibility as Legislators to follow their lead. I hope that you will see that too.

Thank you for your time, and I am happy to answer any questions.

Sincerely,
Chloe Maxmin