

Testimony in support of LD 1862

Good morning Senator Deschambault, Representative Warren, and distinguished members of the Criminal Justice and Public Safety Committee.

My name is Winifred Tate, I am a resident of Waterville, an associate professor at Colby College, and director of the Maine Drug Policy Lab at Colby College. We are researching the impact of drug policies in local communities, and the experiences of women who use drugs and women in recovery.

I am here to testify in favor of LD 1862.

More than 500 people died last year of overdose in Maine, but many hundreds more were saved when people intervened — either by administering Narcan or calling for help. During our ongoing overdose crisis, we have to do all we can to make sure people feel empowered to call for medical assistance when they or someone they're with is experiencing an overdose. But often, those closest to overdose are afraid to make the call.

Most drug overdose deaths are preventable. Access to timely medical assistance is critical. The issue is that the laws in Maine ask people who use drugs to make a very difficult choice: call for medical help and risk serious, life-altering consequences, or not seek medical assistance.

In my research, with women who use drugs and women in recovery, I have heard dozens of stories of overdoses. Many have experienced overdose themselves. Some had made pacts with neighbors and friends, instructing them not to call for help, fearing they would be evicted or incarcerated.

Every person I have interviewed has lost loved ones to overdose death.

The details of these stories belong to the people who live them. But I want to amplify their lessons: gratitude to have received the care they needed to survive. Endless grief that their loved ones had not received such care.

Even though Maine is among 40 states to have a “Good Samaritan Law,” people are still afraid of calling for help. That’s because Maine’s Good Samaritan law only protects the person who calls 9-1-1 and the person who is overdosing from arrest or prosecution for a handful of drug-related crimes and probation violations. No one else in the home is shielded. Maine’s Good Samaritan law also does not protect anyone, including the person who called for help, from being searched by police when they arrive at the scene.

People who share or trade drugs with someone who overdoses fatally can be charged for contributing to someone’s death, which is punishable by up to a 30 year prison sentence.¹ Everyone at the scene of an overdose is also vulnerable to eviction or DHHS intervention, which

¹ 17-A MRS §§ 1105-A(1)(K); 1105-B(1)(D), 1118(1)(I).

could result in the loss of custody of their children. These fears prevent people from accessing medical care in overdose cases and make people witnessing overdoses face an agonizing choice.

The existing “Good Samaritan” law is not enough. It is too limited in scope; it must be expanded as a necessary step to stop preventable overdose deaths. That’s why a bipartisan group of legislators sponsored LD1862: An Act to Strengthen Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance. LD 1862 covers everyone in the location where an overdose occurs from being arrested or prosecuted for all drug-related crimes, including violations of bail conditions.

Lawmakers and the governor should support LD 1862, as it fixes holes in a law that the legislature passed unanimously in 2019. LD 1862 would also help the Mills’ administration’s efforts to prevent overdose deaths.

The “Know Your Options” website, sponsored by the Maine Department of Health and Human Services as part of an education campaign to save lives, urges people to test drugs to make sure you know what’s in them, use drugs in the company of others, not alone, and make sure people around you know what to do in case of an overdose. Expanding the Good Samaritan law would make calling for help in case of an overdose more likely.

The need for expanding the Good Samaritan law is urgent. To stem this grim tide of death, we must do more, and we must empower everyone, especially those most likely to witness overdose deaths, people who use drugs and their loved ones, to keep people alive. The first step is to expand the law that protects people who want to help.