

Live for al				
ROS	_		L.D. 1862	
2	Date: 4/14/22	MAJORITY	(Filing No. S-559)	
3	CRIM	INAL JUSTICE AND PUBL	IC SAFETY	
4	Reproduced and distributed under the direction of the Secretary of the Senate.			
5	STATE OF MAINE			
6	SENATE			
7	130TH LEGISLATURE			
8		SECOND REGULAR SESSION		
9 10	COMMITTEE AMENDMENT " A " to S.P. 661, L.D. 1862, "An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance"			
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following:			
13 14	'Sec. 1. 17-A MRSA §1111-B, as amended by PL 2021, c. 299, Pt. C, §1 and c. 434, §8, is repealed and the following enacted in its place:			
15 16 17		om criminal liability for seeking istering naloxone hydrochlorid ncy		
18 19 20 21 22 23 24 25 26 27 28 29 30 31	naloxone hydrochloride to or who is experiencing a not be arrested or prose violation of probation as prosecution are obtained aid, administering naloxo the purposes of this section or looking after the perso A criminal defendant defendant is immune from of an affirmative defense testimony and shall make	d faith seeks medical assistance f o another person experiencing a s drug-related overdose and is in cuted for a violation of section authorized by chapter 67, subchap as a result of the person's seekin one hydrochloride or experiencin on, "rendering aid" includes, but i n who is experiencing the overdo t may move that the court prior n prosecution pursuant to this sect as provided in section 101, sub factual and legal findings as nece ettering or renumbering any nonc	suspected drug-related overdose need of medical assistance may 1107-A, 1108 or 1111-A or a oter 1 if the grounds for arrest or g medical assistance, rendering g a drug-related overdose. For is not limited to, giving first aid se until medical help arrives. to trial determine whether the ion. The burden of proof is that section 2. The court may hear essary to determine immunity.'	
26 27 28 29 30	or looking after the perso <u>A criminal defendan</u> <u>defendant is immune from</u> of an affirmative defense testimony and shall make	n who is experiencing the overdo t may move that the court prior prosecution pursuant to this sect as provided in section 101, sub factual and legal findings as nece ettering or renumbering any nonc	se until medical help arrives. to trial determine whether the ion. The burden of proof is the section 2. The court may here essary to determine immunity.	

Page 1 - 130LR2476(03)

COMMITTEE AMENDMENT

ROS

1 2

3

4

5

6

7

8

9

10

COMMITTEE AMENDMENT " A" to S.P. 661, L.D. 1862 (3559)

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. The amendment broadens the law that grants immunity from arrest and prosecution in the event of a drug overdose from its current scope of protecting the person who called for help and the person experiencing the overdose so that it will also protect a person rendering aid to the person who is experiencing the suspected overdose. The amendment also provides a procedure for the court to determine immunity pretrial and provides that the burden of proof of immunity is that of an affirmative defense. The amendment authorizes the court to hear testimony and requires the court to make factual and legal findings as necessary to determine immunity.

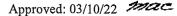
11	
12	

FISCAL NOTE REQUIRED

(See attached)

Page 2 - 130LR2476(03)

COMMITTEE AMENDMENT





130th MAINE LEGISLATURE

LD 1862

LR 2476(03)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-559) Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.