

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

paraphernalia, or a violation of probation if the grounds for arrest or prosecution were obtained as a result of the person’s needing seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

Public Law 2021, chapter 724 does the following.

1. It provides immunity from arrest or prosecution and from revocation or termination proceedings, with some listed exceptions, for a “protected person” for crimes except certain listed “excluded crimes” from the time the medical professional or law enforcement officer arrives at the location to the time that person leaves the location. It defines “protected person” as a person who in good faith calls for assistance for another person experiencing a suspected drug-related overdose and any person rendering aid at the location. (Note: Public Law 2021, chapter 759, section C-1 further amends the definition of “protected person” to add “any person who is experiencing a suspected drug-related overdose.”) It defines “rendering aid” to include looking after the person needing assistance and giving first aid or administering or assisting in the administration of naloxone hydrochloride. The list of excluded crimes includes offenses against a person; sexual assaults; sexual exploitation of a minor; kidnapping, criminal restraint and criminal forced labor; robbery; arson; aggravated sex trafficking; sex trafficking; aggravated attempted murder; abandonment of a child; endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph A; unlawful transfer of a firearm other than a handgun to a minor; unlawful transfer of a handgun to a minor; endangering the welfare of a dependent person under Title 17-A, section 555, subsection, paragraph A or B; incest; patronizing prostitution of a minor or a person with mental disability; violation of a protection from harassment order, a protective order in crimes between family members or a protection from abuse order; a crime committed against a person who was less than 18 years of age; criminal conspiracy to commit a listed crime; criminal attempt to commit a listed crime; and criminal solicitation to commit a listed crime.
2. It provides a process by which a criminal defendant may move the court prior to trial to determine whether the defendant is immune from prosecution or revocation or termination proceedings under the law. Once the defendant has filed a motion and has presented evidence to establish immunity, the prosecution has the burden of proving that the grounds for immunity do not apply. The law allows the court to hear testimony and requires the court to make factual and legal findings as necessary to determine immunity.

LD 1886 An Act to Repeal the Law Regarding the County Jail Reimbursement Fee

ENACTED LAW SUMMARY

Public Law 2021, chapter 591 repeals the county jail reimbursement fee and repeals two corresponding cross-references to the fee in other sections of Title 17-A. The county jail reimbursement fee is a fee that a court may impose on a person who is sentenced to incarceration in a county jail that may not exceed the lower of the actual cost of incarceration or \$80 per day. The purpose of the fee is to help defray the expenses of the person’s room and board in the county jail.