



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

April 19, 2022

President Troy Jackson
Maine Senate
3 State House Station
Augusta, ME 04333

Speaker Ryan Fecteau
Maine House of Representatives
2 State House Station
Augusta, ME 04333

The Honorable Chloe Maxmin
Maine Senate
3 State House Station
Augusta, ME 04333

Dear Speaker Fecteau, Senate President Jackson, and Senator Maxmin:

As you know, the House and the Senate have enacted and sent to me LD 1862, An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance, sponsored by Senator Maxim.

I know that each of you, like me, is deeply committed to addressing Maine's opioid epidemic and I share your desire to do all we can to prevent drug use, to expand treatment options, and to save lives. One life lost from an overdose is too many, and this past year alone, we lost a record number of people – people who lived meaningful lives and who were loved by family and friends. In fact, nearly everywhere I travel in Maine, I hear from someone who has lost a friend or family member to a drug overdose and they tell me of how much they miss them. These stories break my heart, but they also strengthen my resolve to work with the Legislature to tackle this issue.

To that end, I was proud to sign Maine's Good Samaritan law in 2019. It is good, needed policy; is reasonable and consistent with 44 other states; and is well-designed to target the need for people to call 911 in a drug overdose emergency in order to save lives – and I agree with you that providing immunity to people who try to save the life of someone who is overdosing is an important tool to encourage people to take action to save lives. We – my Administration and, you, the Legislature – then built on that law by making record investments in prevention and treatment, launching new



PRINTED ON RECYCLED PAPER

and novel programs – such as OPTIONS – to meet people who want to treat their substance use disorder where they are and get them the assistance they need.

Together, we have changed the paradigm of how Maine approached the opioid epidemic – no longer addressing it solely as a law enforcement issue, but as a medical one as well, where individuals could receive the compassionate care they need when sought. I am deeply grateful for your work in this change.

But I agree with you that significant challenges remain. The pandemic has worsened the epidemic, as it has across the country, and there is work to be done.

As you know, I have expressed concerns about the scope of LD 1862 as it proceeded through the legislative process – concerns that I still have today. If LD 1862 were to become law, Maine would become the only state in the nation to provide immunity from scores of crimes and to confer immunity to all of those who happen to be “at the location.”

In effect, that means that if a law enforcement officer responds to a scene and discovers a person blocking entry to the location and that person has a backpack full of fentanyl and cash law enforcement would be prohibited from charging that person with drug trafficking – simply because they were “at the location.”

I sincerely believe that this bill is far too broad in its scope, and that it will have unintended consequences of allowing drug trafficking to occur wholesale while leaving us helpless to do anything about it. With the dramatic increase in fentanyl, which is killing more and more Maine people, I am afraid that will make the opioid epidemic worse, not better. As a result, I cannot in good conscience sign this bill or allow it to become law without my signature.

However, I do not want to veto this measure only to have the end result be that we disagreed and made no progress at all on the Good Samaritan law. I believe there is a middle ground that we can all support. The majority report – recommended as ought to pass by the Legislature’s Criminal Justice and Public Safety Committee – would expand the Good Samaritan law to make clear that any person rendering aid at the scene would qualify for immunity from the crimes already enumerated. This is a right-sized, reasonable approach that expands immunity without hamstringing the ability of law enforcement to act when needed. I support this measure.

So, my ask of you is this: please recall LD 1862 from my desk, pass the majority report, and let us make concrete progress through consensus rather than allowing progress to fall victim to legitimate disagreement.

While I cannot allow the current version of LD 1862 to become law, I pledge to you if you send me the majority report, I will sign it into law.



PRINTED ON RECYCLED PAPER

Thank you for your consideration. Again, I appreciate your hard work on this difficult issue. My staff is available if you would like to discuss it further.

Sincerely,



Janet T. Mills
Governor



PRINTED ON RECYCLED PAPER