

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

**Legislative Document**

**No. 611**

H. P. 503

House of Representatives, February 16, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Simon of Lewiston.

Cosponsors: Mr. Stetson of Wiscasset and Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation.**

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. 17-A MRSA § 1205-B is enacted to read:**

**§ 1205-B. Commencement of probation revocation proceedings by prosecutor**

1. If a district attorney or the Attorney General has probable cause to believe that a person, known to him to be on probation, has violated a condition of his probation, he may file a petition with the court setting forth the nature of the violation alleged.

2. Upon filing of the petition the prosecuting attorney may request a warrant of arrest or summons to issue pursuant to Maine Rules of Criminal Procedure as provided for the issuance of warrants on complaints or indictments.

3. In any case where the prosecuting attorney requests a warrant of arrest to issue the petition shall be under oath. No additional affidavit shall be required.

4. If the petition is under oath and the violation alleged would otherwise constitute a criminal act or is based upon a conviction of a criminal act, the court

**shall proceed to hear the petition pursuant to the provisions of this chapter; provided that no preliminary hearing shall be required.**

**Sec. 2. 17-A MRSA § 1206, sub-§ 1, first ¶**, as repealed and replaced by PL 1977, c. 510, § 73, is amended to read:

Upon receipt of a motion for revocation of probation, pursuant to sections 1205 ~~or~~, 1205-A **or 1205-B**, the court may, in its discretion:

#### STATEMENT OF FACT

This bill will permit a prosecuting attorney to initiate a petition for revocation of probation.