

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)



132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2161

H.P. 1450

House of Representatives, January 13, 2026

**An Act to Modify Certain Statutes Governing Revocation of
Probation, Victim Confidentiality and the Commissioner of
Corrections**

Submitted by the Department of Corrections pursuant to Joint Rule 203.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

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

2 **Sec. 1. 17-A MRSA §1810, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is
3 amended to read:

4 **2. Contents of summons; probation officer to file motion for revocation.** The
5 summons delivered pursuant to subsection 1 must include the signature of the probation
6 officer; a brief statement of the alleged violation; the time and place of the alleged violation;
7 and the time, place and date the person is to appear in court or a statement that the court
8 will notify the person of the time, place and date to appear. As soon as practical after
9 service of the summons, the probation officer shall file with the court a motion for
10 revocation of probation that sets forth the facts underlying the alleged violation. The
11 motion must be approved by the prosecuting attorney before it is filed with the court. The
12 motion may be withdrawn by either the probation officer or the prosecuting attorney.

13 **Sec. 2. 17-A MRSA §1811, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
14 amended to read:

15 **1. Timing of motion for probation revocation.** A motion for probation revocation,
16 which first must be approved by the prosecuting attorney, must be filed within 3 days,
17 excluding Saturdays, Sundays and holidays, of the arrest of a person on probation pursuant
18 to section 1809. The motion may be withdrawn by either the probation officer or the
19 prosecuting attorney.

20 **Sec. 3. 17-A MRSA §1812, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
21 amended to read:

22 **1. Place of hearing.** The hearing on a motion to revoke probation must be held in the
23 court that sentenced the person to probation in either the county or division in which the
24 person resides or is incarcerated, unless the court orders otherwise in the interests of justice.
25 A motion to transfer the hearing to another court may be filed by either the probation officer
26 or the prosecuting attorney. A motion for revocation of probation need not be heard by the
27 justice or judge who originally imposed probation, but may be heard by any justice or
28 judge.

29 **Sec. 4. 17-A MRSA §2109**, as amended by PL 2025, c. 139, §7, is further amended
30 by amending the section headnote to read:

31 **§2109. Certain communications by and information from victims confidential**

32 **Sec. 5. 17-A MRSA §2109, first ¶**, as enacted by PL 2019, c. 113, Pt. A, §2, is
33 amended to read:

34 The following communications and information are privileged from disclosure.

35 **Sec. 6. 17-A MRSA §2109, sub-§4** is enacted to read:

36 **4. Information obtained by Department of Corrections; community-based**
37 **programs.** Information from a victim obtained by the Department of Corrections for the
38 purpose of evaluating a client's ability to participate in a community-based program as
39 described in Title 34-A, section 1216, subsection 1 is privileged from disclosure as
40 provided in Title 34-A, section 1216, subsection 1. For the purposes of this subsection,
41 "client" has the same meaning as in Title 34-A, section 1001, subsection 1-A.

Sec. 7. 34-A MRSA §1401, sub-§2, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. If the office of the commissioner is vacant or if the commissioner is absent or disabled, the deputy commissioner or an associate commissioner shall perform the duties and have the powers provided by law for the commissioner.

SUMMARY

This bill corrects an oversight regarding the need for prosecutor approval for a probation revocation motion and clarifies who may withdraw probation revocation motions and file motions to transfer hearings on probation revocation motions.

The bill provides that information from a victim obtained by the Department of Corrections for the purpose of evaluating the ability of a person in the custody or under the supervision of the department to participate in a community-based program is privileged from disclosure. The bill adds a cross-reference in a victims' rights statute to a Department of Corrections confidentiality provision.

It also provides that the deputy commissioner of the Department of Corrections may exercise the powers of the Commissioner of Corrections when the office of the commissioner is vacant or the commissioner is absent or disabled.