

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1450 - L.D. 2161

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

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

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

2. Contents of summons; probation officer to file motion for revocation. The summons delivered pursuant to subsection 1 must include the signature of the probation officer; a brief statement of the alleged violation; the time and place of the alleged violation; and the time, place and date the person is to appear in court or a statement that the court will notify the person of the time, place and date to appear. As soon as practical after service of the summons, the probation officer shall file with the court a motion for revocation of probation that sets forth the facts underlying the alleged violation. The motion must be approved by the prosecuting attorney before it is filed with the court. The motion may be withdrawn by either the probation officer or the prosecuting attorney. If the request to withdraw the motion is made by the probation officer, the request must state the position of the prosecuting attorney regarding that request.

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

1. Timing of motion for probation revocation. A motion for probation revocation, which first must be approved by the prosecuting attorney, must be filed within 3 days, excluding Saturdays, Sundays and holidays, of the arrest of a person on probation pursuant to section 1809. The motion may be withdrawn by either the probation officer or the prosecuting attorney. If the request to withdraw the motion is made by the probation officer, the request must state the position of the prosecuting attorney regarding that request.

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

1. Place of hearing. The hearing on a motion to revoke probation must be held in the court that sentenced the person to probation in either the county or division in which the

person resides or is incarcerated, unless the court orders otherwise in the interests of justice. A motion to transfer the hearing to another court may be filed by either the probation officer or the prosecuting attorney. If the motion to transfer the hearing to another court is filed by the probation officer, the motion must state the position of the prosecuting attorney at the time of the motion regarding the motion and, if applicable, the prosecuting attorney receiving the transfer. A motion for revocation of probation need not be heard by the justice or judge who originally imposed probation, but may be heard by any justice or judge.

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

§2109. Certain communications by and information from victims confidential

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

The following communications and information are privileged from disclosure.

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

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