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MAINE PROSECUTORS ASSOCIATION
SIERRA CLARK, LEGAL EXTERN

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

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing Date: February 9, 2026

Testimony in support of LD 2161

Senator Anne Beebe-Center, Chair

Representative Tavis Hasenfus, Chair

Members of the Joint Standing Committee on Criminal Justice and Public Safety

My name is Sierra Clark, and I represent the Maine Prosecutors Association as a legal extern from the University of Maine School of Law. I am submitting this testimony on behalf of the Maine Prosecutors Association in support of LD 2161.

The bill as written would correct ambiguities in the law such as whether a probation officer would need to seek approval before filing a motion for revocation of probation with the court and with whom the probation officer would need to seek approval from in order to file that motion. Currently, without the language the bill proposes to introduce in section one of the bill, the statute reads plainly that a probation officer may file a motion of revocation of probation. Because the original statute lacks language defining whether the probation officer would need to seek approval, it implies that a probation officer does not need to seek approval or be authorized to file the motion which is in direct conflict of the language and existing requirements in 17-A M.R.S.A. §1811(1) that a motion for probation revocation must first be approved by the prosecuting attorney. This bill would make 17-A M.R.S.A. §1810(2) consistent with 17-A M.R.S.A. §1811(1).

The bill would also add into statute that either probation officers or prosecuting attorneys may withdraw a probation revocation motion which clarifies who has authority to withdraw a motion. It would codify current practice and procedures into law and represents a shared duty between probation officers and prosecuting attorneys who can both adequately assess the withdrawal of a motion. For example, a prosecutor and probation officer may withdraw a motion of revocation if an allegation of a violation of a probationer’s conditions of release were found to be false. This language is added in sections one and two of the bill. By adding the new language in section three, courts, probationers, probation officers and prosecuting attorneys will benefit from efficiencies in being able to arrange venue changes, simplifying the hearing process.

Finally, sections four through seven of the bill would render information provided by victims to the Department of Corrections concerning probationer’s eligibility for community-based programs confidential and clarifies that the deputy commissioner would have authority in the event of a vacancy rather than leaving it up to interpretation who succeeds in the event of a vacancy.

In sum, LD 2161 updates statute to reflect current practices by DOC and Maine's prosecutors in the state and as well secures the protection of victim's statements who are necessary in assessing probationer's abilities to participate in community-based programs. For the foregoing reasons, the Maine Prosecutors Association supports LD 2161.

Respectfully Submitted,
Sierra Clark