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Testimony of Rep. Sue Salisbury presenting

LD 2161, 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

Good morning, Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety. I am Sue Salisbury, and I represent House District 128, which includes part of Westbrook. I am pleased to present **LD 2161, An Act to Modify Certain Statutes Governing Revocation of Probation, Victim Confidentiality and the Commissioner of Corrections** on behalf of the Department of Corrections. The bill is intended to correct language regarding probation revocation.

Sections 1 through 3 of LD 2161 correct an oversight regarding the need for prosecutor approval for a probation revocation motion. 17-A MRS 1811(1) already requires prosecutor approval for a probation officer to file a motion for probation revocation. Our bill makes section 1810(2) match section 1811(1) with respect to that requirement.

This bill clarifies and aligns with current practice regarding who may file motions to withdraw probation revocation motions and to transfer hearings on probation revocation motions. Currently, either party may file a motion to withdraw the probation revocation motion or to transfer the probation proceeding. Regardless of who files the motion, the judge ultimately decides whether to transfer the proceeding and whether a motion for revocation can be withdrawn.

In sections 4 to 6, the bill adds a cross-reference from a victims' rights statute to a Department of Corrections (DOC) confidentiality provision to align the two statutes and eliminate ambiguity. This provision makes it clear that information obtained from victims by DOC for evaluating the client's ability to participate in a community-based program is confidential, not just under 34-A MRS 1216 but also under 17-A MRS 2109 (which lists out the types of victim communications and information that are confidential).

Section 7 adds that the deputy commissioner of the Department of Corrections may exercise the powers of the commissioner when there is no commissioner, or when the commissioner is absent or disabled. That reflects the current structure of DOC (one deputy commissioner below the commissioner and several associate commissioners under the deputy commissioner).

Thank you for your time and consideration. While I am happy to answer any questions you may have, there is a representative for the department here as well.