

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO
MAINE RULES OF UNIFIED CRIMINAL PROCEDURE

2025 Me. Rules 03

Effective: May 1, 2025

All of the Justices concurring therein, the following amendments to the Maine Rules of Unified Criminal Procedure are adopted to be effective on the date indicated above. The specific amendments are stated below. To aid in the understanding of each amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 3(b) of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

RULE 3. THE COMPLAINT

....

(b) How Made. The complaint shall be either (1) signed by the attorney for the State and certified on information and belief or (2) made upon oath before the court or other officer empowered to issue warrants against persons charged with crimes against the State. If a charge is enhanced to a Class C crime or above because of prior convictions, the complaint shall allege the prior convictions to charge the enhanced crime.

“Oath” includes affirmations as provided by law.

Advisory Note – May 2025

The change is made to clarify the nature of the oath required by 15 M.R.S. § 708 in anticipation of electronic filing of criminal complaints by prosecutors, who will be mandatory filers under the Maine Rules of Electronic Court Systems. The language in subdivision (b)(1) as amended reflects that a

complaint signed by the attorney for the State is certified “on information and belief” and is not an oath that the signatory has personal knowledge of the facts underlying the complaint. The amendment tracks the current language in Rule 7(c) requiring the attorney for the State to sign and certify an information.

2. Rule 4 of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

RULE 4. ARREST WARRANT OR SUMMONS

....

(e) Arrest Warrant Request Made by Applicant Outside the Presence of the Court or Justice of the Peace.

(1) In General. The court or justice of the peace may, upon request of the applicant, allow an arrest warrant request to be made outside the presence of the court or justice of the peace if the court or justice of the peace determines it to be a reasonable request under the circumstances.

(2) Procedures to be Applied. If the court or justice of the peace allows the applicant to make the arrest warrant request outside the presence of the court or justice of the peace the following procedures apply:

(A) The request must be in the form of a written affidavit transmitted by reliable electronic means to the court or justice of the peace. The contents of the affidavit must conform to Rule 4(d). The applicant, by telephone or other reliable electronic means, must attest to its contents, and the court or justice of the peace must acknowledge the attestation in writing on the affidavit. Before ruling on the request, the court or justice of the peace may hear evidence under oath or affirmation by telephone or other reliable means that shall be taken down by a court reporter or recording equipment, or otherwise recorded in a manner that is capable of producing a record adequate for purposes of review.

(B) In addition to the written affidavit the applicant shall provide a charging instrument and transmit it by reliable electronic means to the court or the justice of the peace. The contents of the warrant must

conform to Rule 4(d). The transmission received by the court or justice of the peace may serve as the original.

(C) If the court or justice of the peace is satisfied that there is probable cause to believe that the grounds for the arrest exist, the court or justice of the peace shall sign the proposed arrest warrant or a modified version, enter the date and time of issuance on the warrant, and transmit it by reliable electronic means to the applicant. The applicant shall promptly provide a copy of the arrest warrant to the prosecutorial office (District Attorney or Attorney General) with jurisdiction over the charges designated in the warrant.

(3) *Suppression Limited.* Absent a finding of bad faith, evidence obtained from a warrant issued under this Rule is not subject to suppression on the ground that issuing the warrant in this manner was unreasonable under the circumstances.

~~(e)~~ (f) Management of Electronic or Paper Arrest Warrant.

....

~~(f)~~ (g) Execution of Electronic or Paper Arrest Warrant or Service of Summons.

....

~~(g)~~ (h) Return of Electronic or Paper Arrest Warrant or Summons.

....

Advisory Note – May 2025

The amendment adds new subdivision (e) to Rule 4 to provide a procedure for arrest warrant requests made outside the presence of the court or justice of the peace. The procedure incorporated in the amendment tracks the procedure in M.R.U. Crim. P. 41C for search warrant requests made outside the presence of the court or justice of the peace. Former subdivisions (e) through (g) are amended to become subdivisions (f) through (h).

Dated: April 18, 2025

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
JULIA M. LIPEZ
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.