

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

2026 Me. Rules 03

Effective: October 1, 2026

All of the Justices concurring therein, the following amendment to the Maine Rules of Unified Criminal Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the 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 4A of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

**RULE 4A. PROBABLE CAUSE DETERMINATION UPON WARRANTLESS
ARREST FOR ANY CRIME**

(a) Timing: Required Findings. Except in a bona fide emergency or other extraordinary circumstance, when a defendant arrested without a warrant for any crime is not released from custody within 48 hours after arrest, including Saturdays, Sundays, and legal holidays, the court or justice of the peace shall determine, within that time period, whether there is probable cause to believe that a crime has been committed and that the arrested defendant has committed it. If the evidence does not establish such probable cause, the court or justice of the peace shall discharge the arrested defendant. If a probable cause determination has not taken place within 36 hours after the arrest, including Saturdays, Sundays, and legal holidays, the custodian shall notify the attorney for the State of the upcoming deadline. For purposes of this Rule “custody” means incarceration. Rule 45(a) and (b) have no application to this subdivision.

(b) Evidence. In making this determination the court or justice of the peace shall consider:

(1) the ~~sworn~~ complaint made in compliance with Rule 3(b);

(2) an affidavit or affidavits, if any, filed by the State;

(3) a sworn oral statement or statements, if any, made before the court or justice of the peace that is reduced to writing or electronically recorded by equipment that is capable of providing a record adequate for purposes of review. The court or justice of the peace may administer the oath and receive an oral statement by telephone.

(c) Record. A finding that probable cause does or does not exist shall be endorsed on the complaint or other appropriate document and filed together with the ~~sworn~~ complaint, affidavit(s), or other written or recorded record with the clerk of the Unified Criminal Docket having jurisdiction of the crime for which the arrested defendant is charged.

Advisory Note – October 2026

Rule 4A(b) and (c) are amended to make Rule 4A consistent with the 2025 amendment to Rule 3(b) authorizing the attorney for the State to sign a complaint and certify it on information and belief. The changes do not eliminate the requirement that an affidavit be sworn to.

Dated: September 24, 2026

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

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

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