

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 815

S.P. 258

February 16, 2007

An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison

Received by the Secretary of the Senate on February 15, 2007. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NASS of York.

Cosponsored by Representatives: CRESSEY of Cornish, VAUGHAN of Durham and
Senator: PLOWMAN of Penobscot, Representative: MUSE of Fryeburg.

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

2 **Sec. 1. 17-A MRSA §261** is enacted to read:

3 **§261. Residence or domicile prohibited**

4 A person convicted of an offense under this chapter or chapter 12 may not
5 intentionally or knowingly establish or maintain a residence or domicile in a municipality
6 that does not have its own police department or other resident law enforcement agency or
7 officer. A violation of this section is a Class D crime. For purposes of this section,
8 "domicile" means the place where a person has that person's established, fixed, permanent
9 or ordinary dwelling place or legal residence to which, whenever the person is absent, the
10 person has the intention of returning. A person may have more than one residence but
11 only one domicile. For purposes of this section, "residence" means that place or those
12 places, other than a domicile, in which a person may spend time living, residing or
13 dwelling.

14 **Sec. 2. 34-A MRSA §1403, sub-§12** is enacted to read:

15 **12. Payment for sex offender residence prohibited.** Notwithstanding any other
16 provision of this section or chapter, the commissioner may not use any department funds
17 or resources or any other state funds or resources to pay housing costs for a person who
18 has been convicted and sentenced for an offense under Title 17-A, chapter 11 or 12.

19 **SUMMARY**

20 This bill makes it a Class D crime for a person convicted of a sex offense under the
21 Maine Revised Statutes, Title 17-A, chapter 11 or 12 to intentionally or knowingly
22 establish or maintain a residence or domicile in a municipality that does not have its own
23 police department or other resident law enforcement agency or officer.

24 This bill also prohibits the Commissioner of Corrections from using any Department
25 of Corrections funds or resources or any other state funds or resources to pay housing
26 costs for a person who has been convicted and sentenced for an offense under Title 17-A,
27 chapter 11 or 12.