

MAINE STATE LEGISLATURE

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Date: 5/29/9

REPORT A
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 385, Bill, "An Act To Ensure a Uniform Comprehensive State Policy Regarding Residency Restrictions for Sex Offenders"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 30-A MRSA §3013 is enacted to read:

§3013. Ordinances regarding residency restrictions for sex offenders

1. Application and scope. The State intends to occupy and preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction. Except as provided in this section, a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in this State or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in this State or in another jurisdiction. As used in this section, "convicted of a sex offense in this State or in another jurisdiction" means a conviction for any current or former Maine crime listed in former Title 17, sections 2922 to 2924 or Title 17-A, chapter 11 or 12 or Title 17-A, section 556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

2. Residency restriction ordinance. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees.

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private

1 elementary, middle or secondary school or up to a maximum distance of 750 feet
2 surrounding the real property comprising a municipally owned property where
3 children are the primary users.

4 C. An ordinance may not restrict the residence of a person who lived in an area
5 restricted pursuant to paragraph B prior to the adoption or amendment of the
6 ordinance.

7 D. An ordinance may not be premised on a person's obligation to register pursuant to
8 Title 34-A, chapter 15.'

9 **SUMMARY**

10 This amendment is the majority report and replaces the bill. The amendment
11 specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing
12 persons who have been convicted of a sex offense in Maine or in another jurisdiction that
13 would impose on them restrictions or requirements not imposed on other persons who
14 have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose
15 of this amendment is for the Legislature to preempt the entire field of legislation
16 concerning the regulation of persons convicted of a sex offense in this State or in another
17 jurisdiction, except as provided in this amendment. If a municipality chooses to adopt an
18 ordinance, it may not be based on a person's obligation to register under the Sex Offender
19 Registration and Notification Act of 1999. A municipality may adopt an ordinance
20 regarding residency restrictions for persons convicted of Class A, B or C sex offenses
21 committed against persons who had not attained 14 years of age at the time of the
22 offense, and the ordinance must be limited as follows. It may restrict only residence and
23 may not impose additional restrictions or requirements, including, but not limited to,
24 registration and fees. A municipality may prohibit residence by a sex offender up to a
25 maximum distance of 750 feet surrounding the real property comprising a public or
26 private elementary, middle or secondary school or up to a maximum distance of 750 feet
27 surrounding the real property comprising a municipally owned property where children
28 are the primary users. An ordinance may not restrict the residence of a person who lived
29 in an area restricted as provided by this amendment prior to the adoption or amendment
30 of the ordinance.