

MAINE SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

Maine State Police
State Bureau of Identification
Sex Offender Registry
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NUMBER OF REGISTERED SEX OFFENDERS

862 as of January 28, 2003.

1. WHO IS REQUIRED TO REGISTER?

A person whom the court determines to be a sex offender or sexually violent predator must register.
(Me. Rev. Stat. Ann. tit. 34-A, § 11222(1))

The Maine Sex Offender Registration and Notification Act of 1999 applies to persons sentenced as sex offenders or sexually violent predators on or after June 30, 1992.
(Me. Rev. Stat. Ann. tit. 34-A, § 11202)

2. WHAT DOES “SEX OFFENDER” MEAN?

“Sex offender” means:

- (1) an adult convicted of a sex offense; or
- (2) a juvenile convicted as an adult of a sex offense.

(Me. Rev. Stat. Ann. tit. 34-A, § 11203(5))

3. WHAT DOES “SEXUALLY VIOLENT PREDATOR” MEAN?

“Sexually violent predator” means a sex offender convicted of a:

- (1) sexually violent offense; or
- (2) sex offense when the offender has a prior conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense.

(Me. Rev. Stat. Ann. tit. 34-A, § 11203(8))

4. WHAT DOES “SEX OFFENSE” MEAN?

“Sex offense” means a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses if the victim was under 18 at the time of the offense:

- (1) sexual exploitation of a minor;
- (2) gross sexual assault if the offender engages in a sexual act with another person and:
 - (a) the other person, not the offender’s spouse, is in official custody as a probationer or a parolee, or is detained in a hospital, prison, or other institution, and the offender has supervisory or disciplinary authority over the other person;
 - (b) the other person, not the offender’s spouse, has not in fact attained the age of 18 and is a student enrolled in a private or public elementary, secondary, or special-education school, facility, or institution and the offender is a teacher, employee, or other official having instructional, supervisory, or disciplinary authority over the student;

- (c) the other person, not the offender's spouse, has not attained the age of 18 and is a resident in or attending a children's home, daycare facility, residential childcare facility, drug-treatment center, camp, or similar school, facility, or institution regularly providing care or services for children, and the offender is a teacher, employee, or other person having instructional, supervisory, or disciplinary authority over the other person;
 - (d) the other person has not in fact attained the age of 18 and the offender is a parent, stepparent, foster parent, guardian, or other similar person responsible for the long-term care and welfare of that other person;
 - (e) the offender is a psychiatrist, a psychologist, or licensed social worker or purports to be a psychiatrist, a psychologist, or licensed social worker to the other person and the other person, not the offender's spouse, is a patient or client for mental-health therapy of the offender; or
 - (f) the offender owns, operates, or is an employee of an organization, program, or residence that is operated, administered, licensed, or funded by the Maine Department of Behavioral and Developmental Services or the Maine Department of Human Services and the other person, not the offender's spouse, receives services from the organization, program, or residence and the organization, program, or residence recognizes that individual as a person with mental retardation;
- (3) sexual abuse of minors;
- (4) unlawful sexual contact if the offender intentionally subjects another person to any sexual contact, and:
- (a) the other person has not expressly or impliedly acquiesced in the sexual contact;
 - (b) the other person, not the offender's spouse, is in official custody as a probationer or parolee or is detained in a hospital, prison, or other institution and the offender has supervisory or disciplinary authority over the other person;
 - (c) the other person, not the offender's spouse, has not in fact attained the age of 18 and is a student enrolled in a private or public elementary, secondary, or special-education school, facility, or institution and the offender is a teacher, employee, or other official having instructional, supervisory, or disciplinary authority over the student;
 - (d) the other person has not in fact attained the age of 18 and the offender is a parent, stepparent, foster parent, guardian, or other similar person responsible for the long-term general care and welfare of that other person;
 - (e) the offender owns, operates, or is an employee of an organization, program, or residence that is operated, administered, licensed, or funded by the Maine Department of Behavioral and Developmental Services or the Maine Department of Human Services and the other person, not the offender's spouse, receives services from the organization, program, or residence and the organization, program, or residence recognizes that individual as a person with mental retardation; or
 - (f) the other person, not the offender's spouse, has not in fact attained the age of 18 and is a student enrolled in a private or public elementary, secondary, or special-education school, facility, or institution and the offender, having attained the age of 21, is a teacher, employee, or other official in the school district, school union, educational unit, school, facility, or institution in which the student is enrolled;
- (5) visual sexual aggression against a minor;
- (6) sexual misconduct with a minor under 14;
- (7) solicitation of a minor by computer to commit a prohibited act;
- (8) kidnapping, except by a parent;
- (9) criminal restraint;

- (10) violation of privacy if, except in the execution of a public duty or as authorized by law, the offender intentionally engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe, photograph, record, amplify, or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect to be safe from surveillance;
- (11) incest;
- (12) promotion of prostitution of a person under 18;
- (13) patronizing prostitution of a minor; or
- (14) a violation of an offense in another jurisdiction including a state, federal, military, or tribal court that includes elements of the offenses listed in (1) through (13) above.

(Me. Rev. Stat. Ann. tit. 34-A, § 11203(6))

5. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?

“Sexually violent offense” means a conviction for an attempt to commit:

- (1) gross sexual assault if the offender engages in a sexual act with another person and:
 - (a) the other person submits because of compulsion;
 - (b) the other person, not the offender’s spouse, has not in fact attained the age of 14;
 - (c) the offender has substantially impaired the other person’s power to appraise or control the other person’s sexual acts by administering or employing drugs, intoxicants, or other similar means;
 - (d) the offender compels or induces the other person to engage in the sexual act by any threat; or
 - (e) the other person suffers from mental disability that is reasonably apparent or known to the offender, and which renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that he or she has the right to deny or withdraw consent; or
- (2) a conviction for or an attempt to commit an offense of the law in another jurisdiction, including a state, federal, military, or tribal court, that includes the essential elements of an offense listed in (1) above.

(Me. Rev. Stat. Ann. tit. 34-A, § 11203(7))

6. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Juveniles convicted as adults of sex offenses or sexually violent offenses may be required to register.

(Me. Rev. Stat. Ann. tit. 34-A, § 11203(5); § 11203(8))

7. WHEN AND WHERE DOES AN OFFENDER REGISTER?

The Maine Department of Corrections, the county jail, or the state mental-health institute that has custody of a sex offender or a sexually violent predator must inform him or her, **prior to** discharge or conditional release, of the duty to register. If a sex offender or sexually violent predator does not serve a period of institutional confinement, the court must inform him or her at the time of sentencing of the duty to register.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(2))

Sex offenders or sexually violent predators convicted from June 30, 1992, to September 17, 1999, must have registered with the State Bureau of Identification by September 1, 2002, unless sooner notified of the duty to register, in which case the sex offender or sexually violent predator had within 10 days of receiving notice to register with the State Bureau of Identification.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(2-A))

8. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information required includes the offender's:

- (1) name and any aliases;
- (2) date of birth;
- (3) sex;
- (4) race;
- (5) height and weight;
- (6) eye color;
- (7) mailing address;
- (8) home address or expected domicile;
- (9) place of employment, if any;
- (10) college or school being attended and the corresponding address and location, if any;
- (11) offense history;
- (12) notation of any treatment received for a mental abnormality or personality disorder;
- (13) photograph;
- (14) set of fingerprints;
- (15) offense(s) for which he or she was convicted;
- (16) date of conviction;
- (17) sentence imposed; and
- (18) any other information the State Bureau of Identification determines important.

(Me. Rev. Stat. Ann. tit. 34-A, § 11221(1))

9. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If an offender changes domicile within Maine, he or she must give the new address to the State Bureau of Identification, in writing, within 10 days.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(2)(B))

If a sex offender or sexually violent predator establishes a new domicile in Maine, the State Bureau of Identification must notify, within three days, both the law-enforcement agency having jurisdiction where the sex offender or sexually violent predator was formerly domiciled and the law-enforcement agency having jurisdiction where he or she is currently domiciled.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(5)(A))

10. WHAT HAPPENS IF AN OFFENDER MOVES FROM MAINE TO ANOTHER STATE?

If an offender moves to another state, he or she must register the new address with the State Bureau of Identification and, if the new state has a registration requirement, he or she must register with a designated law-enforcement agency in the new state no later than 10 days after establishing domicile in the new state.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(2)(C))

If a sex offender or a sexually violent predator establishes a domicile in another state, the State Bureau of Identification must notify, within three days, the law-enforcement agency having jurisdiction where the sex offender or sexually violent predator was formerly domiciled and the law-enforcement agency having jurisdiction where the sex offender or sexually violent predator is currently domiciled.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(5)(B))

If an offender lives in Maine but has part- or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if he or she enrolls in any type of school in another state on a part- or full-time basis, he or she must give the State Bureau of Identification his or her place of employment or school to be attended, in writing, within 10 days after beginning work or school, and if the other state has a registration requirement, he or she must register with the designated law-enforcement agency in the other state.

(Me. Rev. Stat. Ann. tit. 34-A, § 11222(2)(D))

11. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO MAINE REQUIRED TO REGISTER?

An offender who is required to register as a sex offender or sexually violent predator in another jurisdiction or who is convicted of a similar sex offense or sexually violent offense in another jurisdiction must register as a sex offender or sexually violent predator within 10 days of establishing domicile in Maine.

(Me. Rev. Stat. Ann. tit. 34-A, § 11223)

12. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN MAINE?

An offender who is required, under the laws of another jurisdiction, to register as a sex offender or sexually violent predator because he or she is domiciled in another state or who is convicted of a similar sex offense or sexually violent offense in another jurisdiction must register as a sex offender within 10 days of beginning full- or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or beginning school on a full- or part-time basis in Maine.

(Me. Rev. Stat. Ann. tit. 34-A, § 11224)

13. IS REGISTRATION A LIFETIME REQUIREMENT?

A sex offender must register for a period of 10 years from the initial date of registration, except that a sex offender required to register because he or she established domicile in Maine subsequent to being declared a sex offender in another state or under another jurisdiction must register for a maximum of 10 years from the date he or she was first required to register in the other state or jurisdiction.

(Me. Rev. Stat. Ann. tit. 34-A, § 11225(1))

A sex offender or sexually violent predator convicted from June 30, 1992, to September 17, 1999, must register for 10 years from the date of conviction if he or she was not sentenced to a period of institutional confinement or for 10 years from the date of discharge or conditional release if he or she was sentenced to a period of institutional confinement.

(Me. Rev. Stat. Ann. tit. 34-A, § 11225(1))

A sexually violent predator must register for life.

(Me. Rev. Stat. Ann. tit. 34-A, § 11225(2))

14. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

A sex offender or sexually violent predator who fails to register or to update registration information commits a misdemeanor. Two or more failures to comply result in a felony.

(Me. Rev. Stat. Ann. tit. 34-A, § 11227)

15. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Upon the conditional release or discharge of a sex offender or a sexually violent predator from a state correctional institution, the Maine Department of Corrections must give notice of the following to members of the public that the Department of Corrections determines is appropriate to ensure public safety:

- (1) the address where the sex offender or sexually violent predator will reside;
- (2) the address where the sex offender or sexually violent predator will work, if applicable;
- (3) the geographic area to which a sex offender's or sexually violent predator's conditional release is limited, if any; and
- (4) the status of the sex offender or sexually violent predator when released as determined by the risk-assessment instrument, the offender's or predator's risk-assessment score, a copy of the risk-assessment instrument, and applicable contact standards for the offender or predator.

(Me. Rev. Stat. Ann. tit. 34-A, § 11255(1))

Upon receipt of information concerning the conditional release or discharge of a sex offender or sexually violent predator, a local law-enforcement agency must notify members of the municipality that the law-enforcement agency determines appropriate to ensure public safety.

(Me. Rev. Stat. Ann. tit. 34-A, § 11255(2))

16. CAN I SEARCH THE INTERNET FOR SEX OFFENDERS IN MY AREA?

No.