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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 23, L.D. 8, Bill, “An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance”

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

Sec. 1. 30-A MRSA §3014, sub-§2, ¶B, as reallocated by RR 2009, c. 1, §21, is repealed and the following enacted in its place:

B. A municipality may prohibit residence by a sex offender:

(1) If the municipality has a police chief, up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users; or

(2) If the municipality has no police chief, up to a maximum distance of 2,500 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 2,500 feet surrounding the real property comprising a municipally owned property where children are the primary users.

Sec. 2. 30-A MRSA §3014, sub-§2, ¶C, as reallocated by RR 2009, c. 1, §21, is repealed and the following enacted in its place:

C. A restriction may not apply to a residence established prior to the effective date of the ordinance.

Sec. 3. 30-A MRSA §7501, sub-§8, as amended by PL 1999, c. 106, §2, is further amended to read:

8. Enhanced 9-1-1 service. Assigning and maintaining physical addresses specifically for the purpose of statewide enhanced 9-1-1 service. The county commissioners may enact an ordinance to establish the addressing standards and,

COMMITTEE AMENDMENT

1 pursuant to that ordinance, may assign road names to existing and proposed roads and
2 property numbers to existing and proposed year-round and seasonal dwellings or
3 structures and may install signs designating road names; ~~and~~

4 **Sec. 4. 30-A MRSA §7501, sub-§9**, as enacted by PL 1999, c. 106, §3, is
5 amended to read:

6 **9. Animal control.** Animal control services. The county commissioners may enact
7 an ordinance for the purpose of animal control. The county commissioners shall give 14
8 days notice of the meeting at which the ordinance is to be proposed in the manner
9 provided for town meetings-; and

10 **Sec. 5. 30-A MRSA §7501, sub-§10** is enacted to read:

11 **10. Residency restriction ordinance.** Residency restrictions for sex offenders. The
12 county commissioners may adopt an ordinance regarding residency restrictions for
13 persons convicted of Class A, B or C sex offenses committed against persons who had
14 not attained 14 years of age at the time of the offense. Any such ordinance is limited as
15 follows.

16 A. An ordinance may restrict only residence in the unorganized territories within the
17 county. It may not impose additional restrictions or requirements, including, but not
18 limited to, registration and fees.

19 B. The ordinance may prohibit residence by a sex offender up to a maximum
20 distance of 2,500 feet surrounding the real property comprising a public or private
21 elementary, middle or secondary school or up to a maximum distance of 2,500 feet
22 surrounding the real property comprising a publicly owned property where children
23 are the primary users.

24 C. A restriction may not apply to a residence established prior to the effective date of
25 the ordinance.

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

28 SUMMARY

29 This amendment is the minority report of the Joint Standing Committee of Criminal
30 Justice and Public Safety. The amendment authorizes a municipality that has no police
31 chief or the county commissioners for an unorganized territory to adopt an ordinance to
32 prohibit residence by certain sex offenders up to a maximum distance of 2,500 feet
33 surrounding the real property comprising a public or private elementary, middle or
34 secondary school or up to a maximum distance of 2,500 feet surrounding the real
35 property comprising a municipally owned property or a publicly owned property in an
36 unorganized territory where children are the primary users. For municipalities with a
37 police chief, the existing distance requirement of 750 feet in current law remains
38 applicable. The amendment also clarifies the current law that any restriction may not
39 apply to a residence established prior to the effective date of the ordinance.