

§11273. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 663, §3 (NEW).]

1. Another state. "Another state" means each of the several states except Maine, and includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

[PL 2011, c. 663, §3 (NEW).]

2. Bureau. "Bureau" means the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

[PL 2011, c. 663, §3 (NEW).]

3. Conditional release. "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 67, subchapter 2.

[PL 2019, c. 113, Pt. C, §107 (AMD).]

4. Discharge. "Discharge" means unconditional release and discharge of a registrant from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.

[PL 2011, c. 663, §3 (NEW).]

5. Domicile. "Domicile" means the place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.

[PL 2011, c. 663, §3 (NEW).]

6. FBI. "FBI" means the Federal Bureau of Investigation.

[PL 2011, c. 663, §3 (NEW).]

7. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State, another state or a tribe.

[PL 2011, c. 663, §3 (NEW).]

8. Law enforcement agency having jurisdiction. "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.

[PL 2011, c. 663, §3 (NEW).]

9. Motor vehicle. "Motor vehicle" means a vehicle that is required to be registered pursuant to Title 29-A, section 351.

[PL 2011, c. 663, §3 (NEW).]

10. Offender. "Offender" means a person to whom this chapter applies pursuant to section 11272.

[PL 2011, c. 663, §3 (NEW).]

11. Registrant. "Registrant" means a Tier I registrant, Tier II registrant or Tier III registrant.

[PL 2011, c. 663, §3 (NEW).]

12. Residence. "Residence" means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. Proof that an offender has lived in the State for 14 days continuously or an aggregate of 30 days within a period of one year gives rise to a permissible

inference under the Maine Rules of Evidence, Rule 303 that the person has established a residence for the purposes of registration requirements imposed by this chapter.

[PL 2011, c. 663, §3 (NEW).]

13. Sentence. "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of insanity or similar verdict in another jurisdiction.

[PL 2011, c. 663, §3 (NEW).]

14. Tier I offense. "Tier I offense" means a conviction for a Class E or Class D crime under the following or for an attempt, solicitation or conspiracy to commit a Class E, Class D or Class C crime under the following if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

A. Title 17-A, chapter 11 including the following:

- (1) Title 17-A, section 255-A, subsection 1, paragraph C, regardless of the age of the victim;
- (2) Title 17-A, section 255-A, subsection 1, paragraph F-2, regardless of the age of the victim;
- (3) Title 17-A, section 255-A, subsection 1, paragraph G, regardless of the age of the victim;
- (3-A) Title 17-A, section 255-A, subsection 1, paragraph K, regardless of the age of the victim if the crime is committed on or after October 1, 2017;
- (4) Title 17-A, section 255-A, subsection 1, paragraph Q, regardless of the age of the victim;
- (5) Title 17-A, section 255-A, subsection 1, paragraph W, regardless of the age of the victim; and
- (6) Title 17-A, section 255-A, subsection 1, paragraph X, regardless of the age of the victim;

[PL 2017, c. 65, §1 (AMD).]

B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]

C. Title 17-A, section 511, subsection 1, paragraph D, regardless of the age of the victim; [PL 2011, c. 663, §3 (NEW).]

C-1. Title 17-A, section 511, subsection 1, paragraph F; [PL 2023, c. 227, §5 (NEW).]

D. Title 17-A, section 556, subsection 1, paragraph A, regardless of the age of the victim; [PL 2011, c. 663, §3 (NEW).]

E. Title 17-A, section 855, subsection 1, paragraph A, if:

- (1) The crime is committed before October 18, 2021; and
- (2) The person is convicted of the crime without regard to whether the person who sought the prostitution knew or believed that the person whose prostitution was sought had not attained 18 years of age; and [PL 2021, c. 527, §1 (AMD).]

F. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [PL 2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of up to 10 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier I offense.

"Tier I offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph U or unlawful sexual touching under Title 17-A, section 260.

[PL 2023, c. 227, §5 (AMD).]

15. Tier II offense. "Tier II offense" means a conviction for a Class C crime under the following, or for an attempt, solicitation or conspiracy to commit a Class B crime under the following, if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

- A. Title 17-A, chapter 11 including the following:
 - (1) Title 17-A, section 253, subsection 2, paragraph J, regardless of the age of the victim;
 - (1-A) Title 17-A, section 253, subsection 2, paragraph F, regardless of the age of the victim if the crime is committed on or after October 1, 2017;
 - (2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of the victim;
 - (3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of the victim;
 - (3-A) Title 17-A, section 253, subsection 2, paragraph M, regardless of the age of the victim, if the crime is committed on or after the effective date of this subparagraph;
 - (4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of the victim;
 - (4-A) Title 17-A, section 255-A, subsection 1, paragraph L, regardless of the age of the victim if the crime is committed on or after October 1, 2017;
 - (5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age of the victim;
 - (6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age of the victim; and
 - (7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age; [PL 2017, c. 377, §4 (AMD).]
- B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]
- C. Title 17-A, section 855, subsection 1, paragraph A, if:
 - (1) The crime is committed on or after October 18, 2021; or
 - (2) Both:
 - (a) The crime is committed before October 18, 2021; and
 - (b) The person who sought the prostitution knew that the person whose prostitution was sought had not attained 18 years of age; and [PL 2021, c. 527, §2 (AMD).]
- D. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [PL 2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 10 years but less than 26 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier II offense.

"Tier II offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph V or unlawful sexual touching under Title 17-A, section 260. [PL 2021, c. 527, §2 (AMD).]

16. Tier III offense. "Tier III offense" means a conviction for a Class B or Class A crime under the following or for an attempt, solicitation or conspiracy to commit a Class A crime under the following:

- A. Title 17-A, chapter 11; [PL 2011, c. 663, §3 (NEW).]
- B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]

C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022; [PL 2021, c. 299, Pt. B, §2 (AMD).]

C-1. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022; [PL 2021, c. 299, Pt. B, §3 (NEW).]

D. Title 17-A, section 852, subsection 1; [PL 2015, c. 280, §11 (AMD).]

D-1. Title 17-A, section 852, subsection 1-A, if the crime is committed on or after March 1, 2022; [PL 2021, c. 527, §3 (NEW).]

E. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151; and [PL 2015, c. 280, §11 (AMD).]

F. Title 17-A, section 556, subsection 1, paragraph B, regardless of the age of the victim. [PL 2015, c. 280, §12 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 25 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier III offense.

[PL 2021, c. 527, §3 (AMD).]

17. Tier I registrant. "Tier I registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier I offense.

[PL 2011, c. 663, §3 (NEW).]

18. Tier II registrant. "Tier II registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier II offense.

[PL 2011, c. 663, §3 (NEW).]

19. Tier III registrant. "Tier III registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier III offense or as provided for under section 11285, subsection 7.

[PL 2011, c. 663, §3 (NEW).]

20. Tribe. "Tribe" means the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians.

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2013, c. 133, §33 (AMD). PL 2015, c. 280, §§10-12 (AMD). PL 2017, c. 65, §§1, 2 (AMD). PL 2017, c. 377, §4 (AMD). PL 2019, c. 113, Pt. C, §107 (AMD). PL 2021, c. 299, Pt. B, §§2, 3 (AMD). PL 2021, c. 447, §5 (AMD). PL 2021, c. 527, §§1-3 (AMD). PL 2023, c. 227, §5 (AMD).

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