

132nd Legislature
Senate of
Maine
Senate District 6

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LD 1215 - An Act Regarding Residency Restrictions for Sex Offenders

Good afternoon, Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety. As you know, my name is Marianne Moore. I proudly represent Senate District 6 which includes all of Washington County and 16 Communities in Eastern Hancock County as well.

I'm here to introduce LD 1215 - *An Act Regarding Residency Restrictions for Sex Offenders*.

To give you a little background regarding the context of the issue at hand. I originally submitted a similar bill in November 2021 for the second session of 130th Legislature and was not approved to proceed by the Legislative Council. I made the request on behalf of a young woman who was sexually abused from the ages of 6 to 15 by her mother's boyfriend. Her perpetrator accepted a plea deal to serve 18 months in prison and to be a lifetime registrant on the sex offender list. Since his release in 2011, while he is registered as a sex offender, he's been allowed to continue renting out his mobile home park, often to single mothers with children which has given my constituent grave concerns. Concerned conversations with his probation officer only resulted in their hands being tied since they can't take away his income bearing mobile home park, nor can they control who chooses to live there. The town he lives in has no residence restrictions. As an added note, Maine is 1 of 20 states that doesn't restrict where sex offenders live. Very few municipalities have "Residency Restriction Ordinances" thus the need for such a Statewide policy.

Initially when I submitted the bill, I was referencing the fact that Sex offenders must register and maintain that registry either for life, or for the specified amount of time a court decided; however, municipalities can adopt ordinances concerning where they can live according to statute:

"Title 30-A: MUNICIPALITIES AND COUNTIES
Part 2: MUNICIPALITIES
Subpart 4: ORDINANCE AUTHORITY AND LIMITATIONS
Chapter 141: ORDINANCES

§3014. Ordinances regarding residency restrictions for sex offenders)

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. [RR 2009, c. 1, §21 (RAL).]

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

(1) A public or private elementary, middle or secondary school;

(2) A municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; or

(3) A municipally owned or state-owned property leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. [PL 2017, c. 393, §1 (RPR).]

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance. [RR 2009, c. 1, §21 (RAL).]

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34 A, chapter 15. [RR 2009, c. 1, §21 (RAL).]"

However, there is no state restriction in statute to restrict where they live. My initial proposal was to require the same residence restrictions across the state as what can be done in the municipalities.

Fast forward to this session and my resubmittal of the similar bill, I learned it would be very difficult to enforce statewide and would require a lot of guard rails. The bill you are considering today simply asks the Sex Offender Management and Risk Assessment Advisory Commission to conduct a study and develop recommendations regarding statewide residency. I will be meeting with them tomorrow at their quarterly meeting for further discussion and to request their support for my bill.

I must say... My constituent continues to tell her story to schools, on the internet, and was briefly featured on a CBS documentary (*Sex. Consent. Education.*) Her biggest ask is that sex offenders not be able to be landlords or having the ability to rent to tenants with children.

I promised this strong woman to continue her fight and ask for your support in moving this bill forward!

Thank you! I would be happy to answer any questions you may have about this bill.