



August 2012

SORNA Substantial Implementation Review State of Maine

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the State of Maine for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Maine's SORNA substantial implementation packet and has found the State of Maine to have not substantially implemented SORNA.

In March 2011 and January 2012, Maine submitted to the SMART Office for review its current statutes, as well as information on current policies and procedures. On March 14, 2012, Maine submitted to the SMART Office for review legislation that was pending before the State Legislature; the pending legislation was passed by the State Legislature and signed by the Governor on May 21, 2012. Since that time, Maine has asked for an official review of these materials to determine Maine's SORNA implementation status.

Our review of the submitted materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether Maine meets or does not meet SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify that the departure(s) from a particular requirement does not substantially disserve the purpose of that requirement. In other words, Maine is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, but this is not necessary for substantial implementation purposes.

This is an exhaustive review and meant to detail every area in which the state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, that that initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry website.

Maine meets all of the SORNA requirements of this section.

II. Offenses that Must Be Included in the Registry

SORNA requires that certain federal, military, and foreign offenses be included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency be included in a jurisdiction's registration scheme.

A. Maine Offenses

Maine captures the offenses for which SORNA requires registration, with some exceptions. The following Maine offenses require registration under SORNA, but are not in Maine's registration scheme:¹

- Chapt. 13, § 301(1)(A)(1-2, 4-6): Kidnapping
- Chapt. 13, § 301(1)(B): Kidnapping
- Chapt. 13, § 302: Criminal Restraint
- Chapt, 23, § 556(1)(B): Incest

These deviations do not substantially disserve the purposes of the SORNA requirements of this subsection.

B. Offenses of Other SORNA Registration Jurisdictions

Maine captures the offenses of other SORNA registration jurisdictions for which SORNA requires registration, unless the offense contains the essential elements of one of the offenses listed in "Maine offenses" and the jurisdiction of conviction would not require registration for that offense.

These deviations do not substantially disserve the purposes of the SORNA requirements of this subsection.

C. Federal Offenses

Maine captures all of the federal offenses for which SORNA requires registration.

D. Military Offenses

Maine captures all of the military offenses for which SORNA requires registration.

E. Foreign Offenses

Maine captures the foreign offenses for which SORNA requires registration.

¹ These offenses are also referenced in the Appendix under the "Further Review" section.

F. Juvenile Adjudications

Maine does not register minors on the basis of an adjudication of delinquency for a sex offense; rather, Maine only registers minors who are convicted as adults.

Because Maine does not register juveniles 14 years of age or older, on the basis of an adjudication of delinquency for an aggravated sex offense, Maine does not meet the SORNA requirements of this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction, established through a baseline three-tier classification system. Maine's registration scheme includes a three-tier classification system, in which all of its offenders are classified as Tier I, Tier II, or Tier III. Maine's three tiers align with SORNA's requirements, with one exception: Maine's Tier I offenders are only required to register for ten years.²

Because the structure of Maine's Tier I category does not substantially disserve the requirements identified in SORNA, the inclusion of offenses in that category that are SORNA Tier I offenses does not substantially disserve SORNA's requirements. However, there are several offenses in Maine's Tier I and Tier II categories for which SORNA requires placement in a higher SORNA Tier, including:

- Chapt. 11, § 253(2)(A)-(E): Gross Sexual Assault (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 253(2)(E) (where the victim is 18 or older):
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 253(2)(F), (G):
 - These offenses involve non-consensual sexual acts with victims under 18, which are a Tier III offense under SORNA.
- Chapt. 11, § 253(2)(H) (where there is an attempt, solicitation, or conspiracy to commit the offense, and where the victim is under 16)
 - This offense involves a sexual act with a victim under 16, which is a Tier III offense under SORNA.

² See Section IX and the Appendix of this report for more information about Maine's duration of registration and frequency of verification requirements as they compare to SORNA.

- Chapt. 11, § 253(2)(I) (where there is an attempt, solicitation, or conspiracy to commit the offense, or where the victim is under 16)
 - An attempt, solicitation, or conspiracy to commit this offense is a Tier II or Tier III offense under SORNA, depending on the age of the victim.
 - A commission of this offense against a victim under 16 is a Tier III offense under SORNA.

- Chapt. 11, § 253(2)(J): Gross Sexual Assault
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.

- Chapt. 11, § 253(2) (K), (L): Gross Sexual Assault (where the victim is under 16, or where the victim's disability, disease or defect renders the victim incapable of consenting to the sexual act)
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.

- Chapt. 11, § 254(1) (A-1), (A-2): Sexual Abuse of Minors
 - These offenses involve sexual acts with victims under 16, which is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(B): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(D): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(E) Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense, and where the victim is 13 and the actor is more than four years older than the victim) OR (where the victim is 12)
 - If there is an attempt, solicitation, or conspiracy to commit such an offense, Maine classifies this offense as a Tier I offense. However, where the victim is 13 and the actor is more than four years older than the victim, then this is a Tier II offense under SORNA.
 - If there is an actual commission of this offense, Maine classifies this offense as a Tier II offense. However, where there is sexual contact with a victim who is under 13, then this is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(E-1) Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - If there is an attempt, solicitation, or conspiracy to commit such an offense, Maine classifies this offense as a Tier II offense. However, where there is sexual contact with a victim who is under 13, then this is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(F) Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense, and where the victim is 13 and the actor is more than four years older than the victim) OR (where there is an attempt, solicitation, or conspiracy to commit the offense, and where the victim is 12)
 - If there is an attempt, solicitation, or conspiracy to commit such an offense, Maine classifies this offense as a Tier II offense. However, where the victim is 13 and the actor is more than four years older than the victim, or where the victim is 12, then this is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(H): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(J): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(L): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(M): Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense or where the victim is under 13)
 - If there is an attempt, solicitation, or conspiracy to commit such an offense, Maine classifies this offense as a Tier I offense. However, where the victim is 13-17, then this is a Tier II offense under SORNA.
 - If there is an actual commission of this offense, Maine classifies this offense as a Tier II offense. However, where there is sexual contact with a victim who is under 13, then this is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(N): Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(O) Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense, and where the victim is 13-17) or (where the victim is under 13)
 - If there is an attempt, solicitation, or conspiracy to commit such an offense, Maine classifies this offense as a Tier I offense. However, where the victim is 13-17, then this is a Tier II offense under SORNA.
 - If there is an actual commission of this offense, Maine classifies this offense as a Tier II offense. However, where there is sexual contact with a victim who is under 13, then this is a Tier III offense under SORNA.

- Chapt. 11, § 255(A)(1)(P): Unlawful Sexual Contact (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(R): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(R-2): Unlawful Sexual Contact
 - This offense involves a non-consensual sexual act, which is a Tier III offense under SORNA.
- Chapt. 11, § 255(A)(1)(V): Unlawful Sexual Contact (where the victim is under 18)
 - This offense involves a sexual act with a victim under 18, which is a Tier II or Tier III offense under SORNA, depending on the age of the victim.
- Chapt. 11, § 255(A)(1)(X): Unlawful Sexual Contact (where the victim is under 18)
 - This offense involves a sexual act with a victim under 18, which is a Tier II or Tier III offense under SORNA, depending on the age of the victim.
- Chapt. 11, § 256(1)(B): Visual Sexual Aggression Against Child (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves enticing a criminal sexual act, which is a Tier II offense under SORNA.
- Chapt. 11, § 257(1-A): Sexual Misconduct with a Child Under 14 Years of Age (where there is an attempt, solicitation, or conspiracy to commit the offense and the victim is 12-13)
 - This offense involves enticing a criminal sexual act, which is a Tier II offense under SORNA.
- Chapt. 11, § 259(1-B): Solicitation of Child by Computer to Commit a Prohibited Act (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves enticing a criminal sexual act, which is a Tier II offense under SORNA.
- Chapt. 12, § 283(1)(A): Dissemination of Sexually Explicit Material (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves the distribution of child pornography, which is a Tier II offense under SORNA.
- Chapt. 35, § 855(1)(B): Patronizing Prostitution of Minor (where there is an attempt, solicitation, or conspiracy to commit the offense)
 - This offense involves solicitation of a minor to practice prostitution, which is a Tier II offense under SORNA.

Maine does not meet the SORNA requirements of this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry. Maine captures all of the required information, with the following exceptions:

- Since 2005, palm prints have been collected only on individuals held in correctional facilities, including short term “holding” facilities.³ While this includes the majority of new registrants, it excludes existent pre-2005 registrants and those offenders not incarcerated or held in a short term facility post-conviction.
- Offenders must bring a current photograph to each verification appearance. If the photo is not considered “current” by the registering official, the registry will send the offender a letter within six months that states that the offender’s photo is not current and that a new one is required.
- Maine captures a description and license plate number of any motor vehicle that is operated or remains on a public way that is required to be registered. This does not include land vehicles, watercraft, and aircraft, or locations where the vehicles are kept.

These deviations do not substantially disserve the purposes of the SORNA requirements of this section.

V. Where Registration is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Maine meets all of the SORNA requirements of this section.

VI. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court),

³ Per email correspondence with Matthew Ruel, Director of the State Bureau of Identification, May 14, 2012.

the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

Maine meets all of the SORNA requirements of this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

Maine's sex offender registration scheme is only applied in a prospective manner. This is so even if an offender who was made to register under the current system is relieved of the duty to register and reenters Maine's criminal justice system for another felony crime.⁴

Maine does not meet the SORNA requirements of this section.

VIII. Keeping the Registration Current

SORNA requires that when a registered sex offender resides in a jurisdiction, the sex offender must immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, the sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notifies the residence jurisdiction at least 21 days in advance of such travel.

⁴ It should be noted that the SMART Office has previously advised Maine that, because of State v. Letalien, for purposes of substantially implementing SORNA, Maine is exempted from having to impose any additional registration requirements on offenders who were sentenced in Maine on or after June 30, 1992 and before September 18, 1999 (and therefore, originally sentenced subject to Maine's SORA of 1991 and Maine's SORNA of 1995).

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

In Maine, while an offender has to notify law enforcement within 24 hours and the SBI within three days of any changes to registration information, this notification does not have to happen in person for changes to name, residence, employment, and school attendance. Additionally, while SORNA requires notification to law enforcement for any temporary lodging lasting longer than 7 days, Maine requires this notice only for temporary lodging lasting longer than 14 days. Finally, when an offender notifies Maine that he intends to travel or relocate to another country, Maine does not immediately notify the US Marshals or update NSOR.⁵

These deviations do not substantially disserve the purposes of the SORNA requirements of this section.

IX. Verification/Appearance Requirements

A. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders register for 15 years, SORNA Tier II offenders register for 25 years, and SORNA Tier III offenders register for life. Maine uses a three tier registration scheme in which registrants are required to register for 10 years, for 25 years, and for life.

Maine's tiering structure addresses all of the SORNA requirements in this subsection, with the exception of requiring a ten-year period of registration for its Tier I offenders and not a 15-year period, as SORNA requires.

This deviation does not substantially disserve the purposes of the SORNA requirements of this subsection.

B. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders appear once a year, that SORNA Tier II offenders appear every six months, and that SORNA Tier III offenders appear every three months.

Maine meets all of the SORNA requirements of this subsection

⁵ Per email correspondence with Matthew Ruel, Director of the State Bureau of Identification, May 14, 2012, Maine intends to adopt these procedures into registration policy and procedures.

C. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

Maine meets all of the SORNA requirements of this subsection

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

Maine has not taken all of the steps needed to enable the field search capabilities required by the National Sex Offender Public Website (NSOPW).⁶

While Maine's public registry website displays the offender's offense tier, the offender's registration requirements, and the date of the offender's last verification, an individual offender's flyer will not note whether the offender has absconded. In addition, Maine does not post any vehicle information on its public registry website.

These deviations do not substantially disserve the purposes of the SORNA requirements of this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

While Maine meets SORNA's law enforcement notification requirements, Maine's email community notification system does not cover school and employment address changes. Thus, an individual who has signed up for notifications will not be notified when only an offender's school or employment address has changed. Individuals who have signed up for email notifications will receive an email notification if an offender's home address changes, however.

⁶ According to an April 24, 2012 email from the Institute for Intergovernmental Research (IIR), which administers NSOPW, Maine needs to provide the following information to enable all field search capabilities required by NSOPW: an offender's full address with latitude and longitude; aliases of the offender; a URL of the offender's photograph; and the offender's date of birth. In addition, because Maine's participation with NSOPW is web-based, Maine must provide an interface that allows NSOPW to search Maine's registry database by address as well as by name.

Additionally, Maine is working to implement the SMART Office developed Sex Offender Registry Tool (SORT), in which case email notifications for school and employment address changes will be available.

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

Maine meets all of the SORNA requirements of this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Maine meets all of the SORNA requirements of this section.

XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

In Maine, absconder cases are handled by local law enforcement and the local prosecutor's office for the purpose of issuing warrants on a discretionary basis. Additionally, SORNA requires that jurisdictions update NCIC/NSOR to reflect the offender's status as an absconder; Maine currently updates NCIC/NSOR of this status only after an arrest warrant has been issued.

These deviations do not substantially disserve the purposes of the SORNA requirements of this section.

XV. Tribal Considerations

Maine has one tribe that is a SORNA implementation jurisdiction, the Penobscot Indian Nation, and other tribes that either have opted not to be SORNA jurisdictions or have had these responsibilities delegated to the State. The primary point of contact for the Penobscot Indian Nation is Robert Bryant, (207) 817-7333. As the SMART Office continues to work with Maine on SORNA implementation, we will notify the Penobscot Indian Nation of any processes, policies, or procedures that facilitate the sharing of criminal justice information with the tribe.

The Houlton Band of Maliseet Indians has opted out of becoming a registration and notification jurisdiction. Accordingly, the responsibility for registration and notification for this tribe has been delegated to the State of Maine by operation of law and is considered to be part of the requirements for substantial implementation of SORNA. Additionally, the responsibility for registration and notification of sex offenders who either live, work or go to school on the Aroostook Band of Micmac's land and the Passamaquoddy Tribe of Pleasant Point's land has been delegated to the State of Maine by operation of law. As part of Maine's ongoing work towards SORNA implementation, we expect efforts by the state within the coming year to incorporate registration and notification of sex offenders living, working or going to school on these tribal lands as part of a continuing responsibility to meet the standards set by SORNA and to protect all the citizens of the state. The primary point of contact for the Aroostook Band of Micmacs is Chief Richard Getchell, (207)764-1972. The primary point of contact for the Passamaquoddy Tribe of Pleasant Point is Governor Clayton Cleaves, (207) 853-2600.

The primary State point of contact for tribes is:

Matthew Ruel
Maine State Police
Director, State Bureau of Identification
42 State House Station
45 Commerce Drive, Suite 1
Augusta, Maine 04333-0042

Conclusion

Maine has put forth good work and effort in adopting SORNA and enhancing its sex offender registration and notification system. However, there are a few provisions identified in this report, namely the tiering of sex offenses, the inclusion of certain juveniles adjudicated delinquent for sex offenses in its registration scheme, and retroactive application of registration and community notification provisions that should be addressed in order for Maine to substantially implement SORNA. Additionally, Maine is working to adopt SMART's SORT software to enhance its public sex offender registry to meet all of SORNA's information sharing and community notification requirements. We request that Maine keep the SMART Office informed on the progress of these enhancements and notify us upon completion.

We encourage you to contact the SMART Office once you have had the opportunity to review and discuss our findings and have developed a strategy for substantially implementing the provisions of SORNA.

Appendix: Maine State Statutes

The SMART Office has reviewed all Maine statutes identified in its substantial implementation review package and has identified Maine's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). Unless indicated in the notes herein, the SMART office has not reviewed any statutes (or subsections) that were not included in the materials provided by Maine.

In reviewing Maine Revised Statutes, the SMART Office understands that, Maine has three categories of registrants for purposes of duration of registration requirements and frequency of reporting to law enforcement for verification:

- Tier I offenders, who are required to appear annually to verify registration information and register for a period of 10 years.
- Tier II offenders, who are required to appear every 180 days to verify registration information and register for a period of 25 years.
- Tier III offenders, who are required to appear every 90 days to verify registration information and register for life.

SORNA Tier I Offenses

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Maine Revised Statutes Title 17-A would require, at a minimum, Tier I registration requirements under SORNA.

- Chapt. 11, § 254 (1) (A), (C) – (E): Sexual Abuse of Minors
- Chapt. 11, § 255(A)(1)(A): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(C): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(F-2): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(G): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(I): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(K): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(O): Unlawful Sexual Contact (where the victim is an adult)
- Chapt. 11, § 255(A)(1)(Q): Unlawful Sexual Contact (where the victim is an adult)
- Chapt. 11, § 255(A)(1)(R-1): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(S): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(T): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(U): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(W): Unlawful Sexual Contact
- Chapt. 11, § 256(1)(A): Visual Sexual Aggression Against Child
- Chapt. 11, § 256(1)(C): Visual Sexual Aggression Against Child
- Chapt. 11, § 256(1)(D): Visual Sexual Aggression Against Child

- Chapt. 11, § 258(1): Sexual Misconduct with a Child Under 14 Years of Age
- Chapt. 11, § 259(1-A): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(A): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(B): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(C): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(D): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(E): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(F): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(G): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(H): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(I): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(J): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(K): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(L): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 11, § 260(1)(M): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 12, § 284(1)(A): Possession of Sexually Explicit Material
- Chapt. 12, § 284(1)(C): Possession of Sexually Explicit Material
- Chapt, 21, § 511(1)(D): Violation of Privacy
- Chapt, 23, § 556(1)(A): Incest
- Chapt. 35, § 855(1)(A): Patronizing Prostitution of Minor
- § 18 U.S.C. 1801: Video Voyeurism of a Minor
- § 18 U.S.C. 2252: Receipt or Possession of Child Pornography
- § 18 U.S.C. 2252A: Receipt or Possession of Child Pornography
- § 18 U.S.C. 2252B: Misleading Domain Name
- § 18 U.S.C. 2252C: Misleading Words or Digital Images
- § 18 U.S.C. 2422(a): Coercion to Engage in Prostitution
- § 18 U.S.C. 2423(B): Travel with the Intent to Engage in Illicit Conduct
- § 18 U.S.C. 2423(C): Engaging in Illicit Conduct in Foreign Places
- § 18 U.S.C. 2424: Filing Factual Statement About Alien Individual
- § 18 U.S.C. 2425: Transmitting Information About a Minor to Further Criminal Sexual Conduct

SORNA Tier II Offenses

SORNA requires that Tier II offenders register for a minimum of 25 years and semi-annually verify registration information. The following offenses listed in Maine Revised Statutes Title 17-A would require, at a minimum, Tier II registration requirements under SORNA.

- Chapt. 11, § 253(2)(H): Gross Sexual Assault (where the victim is 16 or 17)
- Chapt. 11, § 253(2)(I): Gross Sexual Assault (where the victim is 16 or 17)
- Chapt. 11, § 253(2)(K), (L): Gross Sexual Assault (where the victim is 16 or 17)

- Chapt. 11, § 255(A)(1)(E) (where the victim is 13 and the actor is more than four years older than the victim)
- Chapt. 11, § 255(A)(1)(G): Unlawful Sexual Contact (where the victim is 13-17)
- Chapt. 11, § 255(A)(1)(M): Unlawful Sexual Contact (where the victim is 13-17)
- Chapt. 11, § 255(A)(1)(O): Unlawful Sexual Contact (where the victim is 13-17)
- Chapt. 11, § 255(A)(1)(V): Unlawful Sexual Contact (where the victim is 16-17)
- Chapt. 11, § 255(A)(1)(X): Unlawful Sexual Contact (where the victim is 16-17)
- Chapt. 11, § 256(1)(B): Visual Sexual Aggression Against Child
- Chapt. 11, § 258(1-A): Sexual Misconduct with a Child Under 14 Years of Age
- Chapt. 11, § 259(1-B): Solicitation of Child by Computer to Commit a Prohibited Act
- Chapt. 12, § 282(1)(A): Sexual Exploitation of Minor
- Chapt. 12, § 282(1)(C): Sexual Exploitation of Minor
- Chapt. 12, § 282(1)(D): Sexual Exploitation of Minor
- Chapt. 12, § 282(1)(E): Sexual Exploitation of Minor
- Chapt. 12, § 282(1)(F): Sexual Exploitation of Minor
- Chapt. 12, § 283(1)(A): Dissemination of Sexually Explicit Material
- Chapt. 12, § 283(1)(C): Dissemination of Sexually Explicit Material
- Chapt. 12, § 284(1)(B): Possession of Sexually Explicit Material
- Chapt. 12, § 284(1)(D): Possession of Sexually Explicit Material
- Chapt. 35, § 852(1)(B): Aggravated Promotion of Prostitution
- Chapt. 35, § 855(1)(B): Patronizing Prostitution of Minor
- § 18 U.S.C. 1591: Sex Trafficking by Force, Fraud or Coercion
- § 18 U.S.C. 2243: Sexual Abuse of a Minor
- § 18 U.S.C. 2244: Abusive Sexual Contact (where the victim is 13-17)
- § 18 U.S.C. 2251: Sexual Exploitation of Children
- § 18 U.S.C. 2251A: Selling or Buying of Children
- § 18 U.S.C. 2252A: Certain Activities Relating to Material Constituting or Containing Child Pornography (not possession or receipt of child pornography)
- § 18 U.S.C. 2260: Production of Sexually Explicit Depictions of a Minor for Importation into the United States
- § 18 U.S.C. 2421: Transportation of a Minor for Illegal Sexual Activity
- § 18 U.S.C. 2422: Coercion and Enticement of a Minor for Illegal Sexual Activity
- § 18 U.S.C. 2423(A): Transportation of Minors for Illegal Sexual Activity

SORNA Tier III Offenses

SORNA requires that Tier I offenders register for life and quarterly verify registration information. The following offenses listed in Maine Revised Statutes Title 17-A would require, at a minimum, Tier III registration requirements under SORNA.

- Chapt. 11, § 253(1): Gross Sexual Assault
- Chapt. 11, § 253(2)(A)-(H): Gross Sexual Assault
- Chapt. 11, § 253(2)(I): Gross Sexual Assault (where the victim is under 16)

- Chapt. 11, § 253(2)(J): Gross Sexual Assault
- Chapt. 11, § 253(2)(K), (L): Gross Sexual Assault (where the victim is under 16, or where the victim's disability, disease or defect renders the victim incapable of consenting)
- Chapt. 11, § 254(1) (A-1), (A-2): Sexual Abuse of Minors
- Chapt. 11, § 255(A)(1)(B): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(D): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(E): Unlawful Sexual Contact (where the victim is 12)
- Chapt. 11, § 255(A)(1)(E-1): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(F): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(F-1): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(H): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(J): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(L): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(M): Unlawful Sexual Contact (where the victim is under 13)
- Chapt. 11, § 255(A)(1)(N): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(O): Unlawful Sexual Contact (where the victim is under 13)
- Chapt. 11, § 255(A)(1)(P): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(R): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(R-2): Unlawful Sexual Contact
- Chapt. 11, § 255(A)(1)(V): Unlawful Sexual Contact (where the victim is under 16)
- Chapt. 11, § 255(A)(1)(X): Unlawful Sexual Contact (where the victim is under 16)
- Chapt. 12, § 282(1)(B): Sexual Exploitation of Minor
- Chapt. 12, § 283(1)(B): Dissemination of Sexually Explicit Material
- Chapt. 12, § 283(1)(D): Dissemination of Sexually Explicit Material
- Chapt. 13, § 301(1)(A)(3): Kidnapping
- § 18 U.S.C. 2241: Aggravated Sexual Abuse
- § 18 U.S.C. 2242: Sexual Abuse
- § 18 U.S.C. 2243: Sexual Abuse of a Minor or Ward
- § 18 U.S.C. 2244: Abusive Sexual Contact (where the victim is under 13)

Further Review

In reviewing the statutes that Maine cited as those that are registerable offenses under Maine's registration scheme, the SMART office did notice that there are several offenses missing from those statutes for which SORNA requires registration. Those offenses include:

- Chapt. 13, § 301(1)(A)(1-2, 4-6): Kidnapping
- Chapt. 13, § 301(1)(B): Kidnapping
- Chapt. 13, § 302: Criminal Restraint
- Chapt, 23, § 556(1)(B): Incest

In addition, Maine registers the following offenses; however, those offenses, without the commission of (or the attempt or conspiracy to commit) a sexual offense, do not require registration under SORNA:

- Chapt. 11, § 261 (1)-(2): Prohibited Contact with a Minor; Sex Offender Restricted Zone
- Chapt. 35, § 852(1)(A): Aggravated Promotion of Prostitution (where the victim is an adult)