

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 9

S. P. 9

Office of the Clerk of the House
Filed December 7, 1960 under Joint Rule 19A by Senator Marden of Kennebec. To be printed and delivered to the Senate of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Senator Marden of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Distribution of Obscene Literature to Minors.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 134, § 24, amended. Section 24 of chapter 124 of the Revised Statutes, as repealed and replaced by section 1 of chapter 321 of the public laws of 1957 and as amended by chapter 279 of the public laws of 1959, is further amended to read as follows :

'**Sec. 24. Distribution and sale of publications or film depicting sadism, lust, etc.** Whoever sells, rents, displays for sale, loans, gives or distributes to any person or offers for sale to such a person or has in his possession, actual or constructive, any pamphlet, magazine, comic book, picture, picture book or film which contains illustrations of sadism, masochism, sexual perversion, bestiality or lust, **or obscenity, indecency or immorality**, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days ~~or by fine of not more than \$50.~~ Under this section it shall be necessary to prove that the defendant knows, or by the exercise of reasonable diligence should know, of the offensive picture contained in the literature involved. This section shall not apply to any medical examiner, county attorney, state attorney, police officer, sheriff or physician while in the performance of their professional or official duties.'

Sec. 2. R. S., c. 134, § 27, amended. Section 27 of chapter 134 of the Revised Statutes, as amended by section 2 of chapter 321 of the public laws of 1957, is further amended to read as follows :

'**Sec. 27. Circulation among minors of obscene pictures or magazines; jurisdiction.** Whoever circulates, posts or causes to be circulated or posted in any conspicuous or public place any **magazine**, picture, handbill or poster containing

obscene, indecent or immoral representations; or in any manner hires, uses or employs any minor to sell or give away, or in any manner to distribute, or who, having the care, custody or control of any minor, permits such minor to sell or give away, or in any manner to distribute any book, magazine, pamphlet or newspaper as described in this section shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not more than 11 months, or by both. Trial justices within their county shall have, by complaint, jurisdiction of the offenses mentioned in this section, original and concurrent with municipal courts and the Superior Court.'