

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
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The commissioner shall require any horse exhibiting the symptoms of equine infectious anemia to submit to a Coggins test and nothing in this section shall prevent the commissioner from exercising the authority provided under chapter 303 in the case of an outbreak of the clinical form of equine infectious anemia.

3. Freeze branding prohibited in certain cases. Any horse which has been tested by the Coggins test with positive results, but which a veterinarian has certified to be free from the clinical symptoms of equine infectious anemia, shall not be freeze branded or otherwise permanently identified by external disfigurement.

4. Screening test prohibited. The commissioner shall not use the Coggins test as a screening test on any horse or group of horses, except that the commissioner shall require a negative Coggins test, taken within 12 months, from all horses raced, exhibited or stabled on race tracks or fair grounds where other horses are being raced, exhibited or stabled.

The commissioner may exempt from the Coggins test requirements described in this subsection all horses appearing in private shows on grounds where no other horses are present, provided that consent to exempt such horses from the Coggins test requirements is obtained from the officials conducting the show and from the authorities responsible for the grounds where the show is being conducted.

5. Negative Coggins test required for horses entering Maine. The commissioner shall require a negative Coggins test from all horses entering Maine, such test to be taken within 6 months before the date of entry. The commissioner may require any horse entering Maine to submit to a Coggins test and shall require that any horse be quarantined until such test is completed.

Effective October 24, 1977

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## CHAPTER 410

### An ACT Prohibiting the Dissemination of Obscene Matter to Minors.

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

Sec. 1. 17 MRSA c. 93, as amended, is repealed.

Sec. 2. 17 MRSA c. 93-A is enacted to read:

#### § 2911. Dissemination of obscene matter to minors

1. Definitions. As used in this section, unless the context indicates otherwise, the following words shall have the following meanings.

A. "Distribute" means to transfer possession, whether with or without consideration.

B. "Exhibit" means to display for viewing by the public.

C. "Matter" means any printed or written material, any picture, photograph or other visual representation, excluding motion pictures.

D. "Obscene matter" means matter which:

(1) To the average individual, applying contemporary community standards, with respect to what is suitable material for minors, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value.

2. General rule. A person is guilty of disseminating obscene matter to a minor if he knowingly distributes, or exhibits or offers to distribute or exhibit to a minor, any obscene matter declared obscene, in an action to which he was a party, pursuant to subsection 3.

A. This section shall not apply to any noncommercial distribution or exhibition for purely educational purposes by any library, art gallery, museum, public school, private school or institution of learning, nor to any commercial distribution or exhibition by any art gallery or museum.

B. It shall be a valid defense to any proceeding under this section that:

(1) The defendant was a parent or guardian of the minor; and

(2) The distribution or exhibition is exempt under paragraph A.

3. Procedure for adjudicating obscenity. Whenever the Attorney General, or any district attorney, reasonably believes a person is disseminating to minors matter which is obscene, he may petition the Superior Court to declare the matter obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General or district attorney may join all persons he reasonably believes to be disseminating that matter to minors as parties to the action. The hearing on such petition shall be held not more than 10 days from the filing of the petition.

A. Trial on the issue of obscenity shall be by jury.

B. Intervention by others disseminating the same matter shall be freely allowed.

C. Determination by a court pursuant to this subsection that a matter is obscene shall not bar relitigation of that issue in a criminal prosecution under this section.

4. Penalty. Disseminating obscene matter to a minor is a Class D crime.