

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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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

Title 30, section 4656, shall not apply to the Housing Authority of the Penobscot tribal reservation. The tribal governor and council of the Penobscot Indian reservation shall have the right to acquire, by the exercise of the power of eminent domain, any real property within the territorial boundaries of the reservation which they may deem necessary for the purposes set out in this chapter, after the adoption of a resolution declaring that the acquisition of the real property described therein is necessary for these purposes. The tribal governor and council shall exercise the power of eminent domain in the manner provided in Title 30, section 4807, but references in section 4807 to an authority shall mean the tribal governor and council, and references to an urban renewal project and a renewal project area and the like shall be inapplicable. Any real property acquired pursuant to this section, shall be transferred by the governor and council to the reservation authority to be used for the purposes set out in this chapter.

§ 4736-B. Referendum

No real property within the territorial boundaries of the reservation shall be acquired pursuant to section 4736-A, unless or until a majority of the members of the Penobscot tribal reservation eligible to vote under section 4792, voting in a referendum duly held, have voted in favor of the acquisition. The tribal governor and council shall determine the form and operation of the referendum vote and shall make all rules and regulations necessary to carry out the referendum.

Effective October 24, 1977

CHAPTER 419

AN ACT to Prevent the Display of Adult Magazines to Minors.

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

17 MRSA § 2906 is enacted to read:

§ 2906. Magazines containing obscene material on their covers
not to be displayed to minors

1. Prohibition. No book, magazine or newspaper containing obscene material on its cover and offered for sale shall be displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

2. Definitions. For purposes of this section, the following terms shall have the following meanings.

A. "Minor" means any person who has not attained his 18th birthday.

B. "Obscene material" means material 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 prurient interests;
- (2) Depicts or describes in a patently offensive manner, human sexual intercourse, masturbation, sodomy, direct physical stimulation of unclothed genitals, or flagellation or torture in the context of ultimate sex acts, or which emphasizes the lewd depiction of uncovered genitals; and
- (3) When considered as a whole, lacks serious literary, artistic, political or scientific value.

3. Civil violation. Any person violating this section shall be subject to a forfeiture of not more than \$250.

Effective October 24, 1977

CHAPTER 420

AN ACT Exempting Blind Property Owners from Real Property Tax.

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

36 MRSA § 654, sub-§ 1, ¶ E, 2nd and 3rd sentences, as last repealed and replaced by PL 1975, c. 765, § 12, are amended to read:

The residential real estate up to the value of ~~\$3,000~~ \$4,000 of inhabitants of Maine who are legally blind as determined by the Department of Human Services ~~provided the value of such real estate does not exceed \$10,000. If the value exceeds \$10,000 but not more than \$20,000, the exemption shall be \$2,000~~

Effective October 24, 1977

CHAPTER 421

AN ACT Relating to an Equitable Billing Procedure for Open-end Credit under the Consumer Credit Code.

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