

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 342

S. P. 114

In Senate, January 16, 1963

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Pike of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Distribution of Obscene Literature.

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 Section 24 of chapter 134 of the Revised Statutes, as repealed and replaced by section 1 of chapter 321 of the public laws of 1957 and as amended, is further amended to read as follows :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, **or the literature of which contains, sadism, masochism, sexual perversion, bestiality or lust, or obscenity, indecency or immorality,** shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months. 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 **literature involved or 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. The first sentence of section 27 of chapter 134 of the Revised Statutes, as amended, is further amended to read as follows :

'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 **literature or** 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 more than \$1,000, or by imprisonment for not more than 11 months, or by both.'