

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-581)

HOUSE AMENDMENT "B" to H.P. 1661, L.D. 1857, Bill, "AN ACT to Prevent the Display of Adult Magazines to Minors."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'17 MRSA §2906 is enacted to read:

§2906. Magazines containing explicit sexual material not to be displayed to minors

1. Prohibition. No book, magazine or newspaper containing explicit sexual material and offered for sale shall be displayed in a location accessible to minors unless that book, magazine or newspaper is sealed with a paper seal or plastic cover which prevents it from being opened until it has been purchased.

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

A. "Explicit sexual 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 which constitutes a dominant  
part or segment of the book, magazine or newspaper;  
and

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

B. "Minor" means any person who has not attained his 16th  
birthday.

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

4. Effective date. This section shall only apply to acts  
committed prior to January 1, 1983, and this section shall become  
null and void on that date, except for the purpose of applying to  
violations committed prior to that date.'

#### Statement of Fact

The purpose of this amendment is to prohibit the public display for sale of explicit sexual material, in order to aid parents in --> supervising and controlling the access and exposure of children to that material.

Filed by Mr. Wood of Sanford.

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the House.  
6/10/77

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