

# MAINE STATE LEGISLATURE

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

(Filing No. H-1052)

HOUSE AMENDMENT "B" to H.P. 2106, L.D. 2141, Bill, "AN  
ACT to Prohibit Child Pornography."

Amend the Bill by striking out all of the first  
2 underlined lines of subsection 5 of that part designated  
"§2921." of section 1 and inserting in their place the  
following: (first line in L.D. of subsection 5)

'5. Sexually explicit conduct. "Sexually explicit  
conduct" means any of the following acts:'

Further amend the bill in section 1, in that part  
designated "§2922." subsection 1, paragraph A, by striking out  
in the last line the following: "sexual" and inserting in its  
place the following: 'sexually explicit'

Further amend the bill in section 1, in that part  
designated "§2922." subsection 1, paragraph B, by striking out  
in the 4th line (3rd line in LD) the following: "sexual"  
and inserting in its place the following: 'sexually explicit'

Further amend the Bill by striking out all of the underlined 2nd/sentence of subsection 2 of that part designated "§2922." of section 1 and inserting in its place the following:

'If the State pleads and proves a prior conviction under this section, then the crime is a Class A crime, except that any person convicted of this 2nd crime shall be sentenced by imprisonment for not less than 15 years. The court shall not suspend either minimum term of imprisonment unless it sets forth in detail, in writing, the reasons for suspending the sentence.'

Further amend the Bill by striking out all of the first line of that part designated "§2923." and inserting in its place the following:

'§2923. Dissemination of sexually explicit materials'

Further amend the Bill by striking out all of the first underlined paragraph of subsection 1 of that part designated "§2923." of section 1 and inserting in its place the following:

'A person is guilty of dissemination of sexually explicit materials if he intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material which:'

Further amend the bill in section 1, in that part designated "§2923." subsection 1, paragraph A, last line, (same in L.D.) by striking out the following: "sexual" and inserting in its place the following: 'sexually explicit'

Further amend the Bill by striking out all of the first 2 underlined sentences of subsection 3 of that part designated "§2923." of section 1 and inserting in their place the following:

'Dissemination of sexually explicit materials is a Class B crime, except that any person convicted of this crime shall be sentenced by imprisonment for not less than 5 years. If the State pleads and proves a prior conviction under this section, then the crime is a Class A crime, except that any person convicted of this 2nd crime shall be sentenced by imprisonment for not less than 15 years. The court shall not suspend either minimum term of imprisonment unless it sets forth in detail, in writing, the reasons for suspending the sentence.'

Statement of Fact

This amendment changes the term "sexually exploitive materials" to "sexually explicit materials," and provides an increase in the penalty and mandatory sentence for a 2nd conviction.

Filed by Mr. Wyman of Pittsfield.

Reproduced and distributed under the direction of the Clerk of the House.  
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