

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1321

S. P. 465

In Senate, March 17, 1981

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Brown of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Prohibit Subliminal Advertising.

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

17 MRSA c. 118 is enacted to read:

CHAPTER 118

SUBLIMINAL ADVERTISING

§ 3631. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Senses. "Senses" means any of the 5 faculties of receiving impressions through specific bodily organs and the nerves associated with them, commonly referred to as sight, touch, taste, smell and hearing.

2. Subliminal techniques. "Subliminal techniques" means any technique, whether aided by electronic devices or not, which stimulate or attempts to stimulate any of the senses by subconscious means or means below the level of conscious perception of the human mind.

§ 3632. Prohibition

No person may influence or attempt to influence the behavior of another person

for whatever reason by subliminal techniques without the prior written consent of that person. The consent must specify the circumstances under which the subliminal techniques will be used and shall only be valid for those specific circumstances.

§ 3633. Violation

Any person found guilty of violating this chapter commits a Class E crime and, notwithstanding Title 17-A, shall be punished by a fine of not more than \$100 for each offense. Each separate attempt to influence the behavior of another person constitutes a separate offense.

§ 3634. Injunctive relief

In addition to any penalties provided in section 3633, the Attorney General, county attorney or any resident of a municipality or unorganized territory in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin any violation of this chapter.

STATEMENT OF FACT

This bill prohibits attempts to make you buy a certain product or otherwise influence your behavior by subliminal techniques without your prior written consent.