

MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 1438

2

(Filing No. S- 93)

3

STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

SENATE AMENDMENT " A " to S.P. 477, L.D. 1438,

8

Bill, "AN ACT to Amend the Obscenity Laws."

9

Amend the bill by inserting after section 4 the following:

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11

'Sec. 5. 17 MRSA §2911, sub-§3, ¶A, as enacted

12

by PL 1977, c. 410, §2, is amended to read:

13

A. Trial on the issue of obscenity shall be by

14

jury, which shall be unanimous in its decision.'

15

Further amend the bill in section 7, in that part

16

designated "§2913." in subsection 3, paragraph A, in

17

the 2nd line (page 4, line 12 in L.D.) by inserting

18

after the underlined word "jury" the following: '^

19

which shall be unanimous in its decision'

20

Further amend the bill by renumbering the sec-

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tions to read consecutively.

22

STATEMENT OF FACT

23

The Declaratory Judgments Act, which is invoked

24

in this bill to decide the issue of obscenity, re-

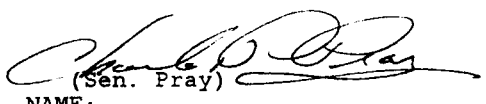
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quires only a civil jury of 8, and the Maine Rules of

SENATE AMENDMENT "A " to S.P. 477, L.D. 1438

1 Court only require that 6 jurors agree on any civil
2 decision. Due to the scope of the decision which
3 such a jury will be rendering under this law, all 8
4 jurors should agree that that matter is obscene.

5 3710050583



6 (Sen. Pray)

7 NAME:

8 COUNTY: Penobscot

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May 5, 1983 (Filing No. S-93)