

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1034
6

7 H.P. 725

House of Representatives, March 13, 1985

8 On Motion of Representative Kane of S. Portland, referred to the
9 Committee on Legal Affairs. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Scarpino of St. George.

11 Cosponsored by Senator Matthews of Kennebec, Representative Vose of
Eastport and Representative Lander of Greenville.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Prohibit the Dissemination of
18 Obscene Material.
19

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

22 Sec. 1. 17 MRSA c. 93-A, as amended, is re-
23 pealed.

24 Sec. 2. 17 MRSA c. 93-C is enacted to read:

25 CHAPTER 93-C

26 DISSEMINATION OF OBSCENE MATERIAL

27 §2931. Definitions

28 As used in this chapter, unless the context oth-
29 erwise indicates, the following terms have the fol-
30 lowing meanings.

1 1. Material. "Material" means anything tangible
2 that is capable of being used or adapted to arouse
3 interest, whether through the medium of reading, ob-
4 servaion, sound or in any other manner, but does not
5 include an actual 3-dimensional obscene device.

6 2. Obscene. "Obscene" means material or a per-
7 formance that:

8 A. The average person, applying contemporary
9 community standards, would find that taken as a
10 whole appeals to the prurient interest in sex;

11 B. Depicts or describes:

12 (1) Patently offensive representations or
13 descriptions of ultimate sexual acts, normal
14 or perverted, actual or simulated, including
15 sexual intercourse, sodomy and sexual
16 bestiality; or

17 (2) Patently offensive representations or
18 descriptions of masturbation, excretory
19 functions, sadism, masochism, lewd exhibi-
20 tion of the genitals, the male or female
21 genitals in a state of sexual stimulation or
22 arousal, covered male genitals in a discern-
23 ibly turgid state or a device designed and
24 marketed as useful primarily for stimulation
25 of the human genital organs; and

26 C. Taken as a whole, lacks serious literary, ar-
27 tistic, political or scientific value.

28 3. Obscene device. "Obscene device" means a de-
29 vice including a dildo or artificial vagina, designed
30 or marketed as useful primarily for the stimulation
31 of human genital organs.

32 4. Performance. "Performance" means a play,
33 motion picture, dance or other exhibition performed
34 before an audience.

35 5. Promote. "Promote" means to manufacture, is-
36 sue, sell, give, provide, lend, mail, deliver, trans-
37 fer, transmit, publish, distribute, circulate, dis-
38 seminate, present, exhibit or advertise, or to offer
39 or agree to do any of these actions.

1 6. Prurient interest in sex. "Prurient interest
2 in sex" means a shameful or morbid interest in sex.

3 7. Wholesale promote. "Wholesale promote" means
4 to manufacture, issue, sell, provide, mail, deliver,
5 transfer, transmit, publish, distribute, circulate,
6 disseminate, or to offer or agree to do any of these
7 actions for the purpose of resale.

8 If any of the depictions or descriptions of sexual
9 conduct described in this section are declared by
10 a court of competent jurisdiction to be unlawfully
11 included in this section, this declaration shall not
12 invalidate this section as to other patently offensive
13 sexual conduct included in this section.

14 §2932. Obscenity

15 1. Wholesale promotion; offense. A person com-
16 mits an offense if, knowing its content and character,
17 he wholesale promotes or possesses with intent
18 to wholesale promote any obscene material or obscene
19 device.

20 2. Penalty for wholesale promotion. An offense
21 under subsection 1 is punishable by a penalty of not
22 less than \$50 nor more than \$500. Each day an offense
23 under subsection 1 continues shall be a separate of-
24 fense.

25 3. Promotion, presentation; offense. A person
26 commits an offense if, knowing its content and char-
27 acter, he:

28 A. Promotes or possesses with intent to promote
29 any obscene material or obscene device; or

30 B. Produces, presents or directs an obscene per-
31 formance or participates in a portion thereof
32 that is obscene or that contributes to its ob-
33 scenity.

34 4. Penalty for promotion, presentation. An of-
35 fense under subsection 3 is punishable by a penalty
36 of not less than \$50 nor more than \$500. Each day an
37 offense under subsection 3 continues shall be a sepa-
38 rate offense.

