

# MAINE STATE LEGISLATURE

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W  
R. G. S.

L.D. 852

DATE: 4-27-01

(Filing No. H-212)

MINORITY  
CRIMINAL JUSTICE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 652, L.D. 852, Bill, "An Act to Regulate Obscenity"

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Create the Commission to Study Pornography'**

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**'Emergency preamble. Whereas,** Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** minors' access to pornography, through many means, including electronic and mechanical means, is a growing problem; and

**Whereas,** the State has an interest in helping local communities address and combat the problem of minors' access and exposure to pornographic materials; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Commission to Study Pornography, referred to in this resolve as the "commission," is established; and be it further

**COMMITTEE AMENDMENT**

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**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 13 members:

1. Two Senators, appointed by the President of the Senate;
2. Three Representatives, appointed by the Speaker of the House;
3. A representative from the media industry, appointed by the President of the Senate;
4. A person involved in the business of disseminating sexually explicit materials, appointed by the Speaker of the House;
5. A representative from a law enforcement agency, appointed by the President of the Senate;
6. The President of the Maine Prosecutors Association or the president's designee;
7. The President of the Maine Association of Criminal Defense Lawyers or the president's designee;
8. The Executive Director of the Christian Civic League of Maine or the executive director's designee;
9. The Executive Director of the Maine Civil Liberties Union or the executive director's designee; and
10. The President of the Maine Library Association or the president's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first named Senate member is the Senate chair of the commission and the first named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission no later than July 30, 2001; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall:

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1. Examine state and federal laws regarding pornography and review relevant constitutional issues;

2. Convene at least 3 public hearings across the State to gather input from communities regarding the issues related to exposure of minors to pornography;

3. Evaluate local community models used to prohibit the dissemination of pornography to minors and otherwise combat minors' exposure to pornography; and

4. Develop guidelines, including proposed enabling legislation, if necessary, for communities to follow to reduce minors' exposure to pornography; and be it further

**Sec. 6. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 15, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

# COMMITTEE AMENDMENT

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Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2001-02

LEGISLATURE

Commission to Study Pornography

Personal Services	\$1,650
All Other	7,700

Provides funds for the per diem and expenses of legislative members and other eligible members of the Commission to Study Pornography, to hold public hearings and to print the required report.

LEGISLATURE TOTAL

\$9,350

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

2001-02

APPROPRIATIONS/ALLOCATIONS

General Fund	\$9,350
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The Legislature will require an additional General Fund appropriation of \$9,350 in fiscal year 2001-02 for the per diem and expenses of legislative members and other eligible members of the Commission to Study Pornography, to hold public hearings and to print the required report.

The additional costs associated with providing staffing assistance to the commission during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the commission requires staffing assistance during the legislative session, the Legislature may

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require an additional General Fund appropriation to contract for staff services.'

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### SUMMARY

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8 This amendment replaces the bill with a resolve and is the  
10 minority report of the Joint Standing Committee on Criminal  
12 Justice. The Commission to Study Pornography shall examine state  
14 and federal laws regarding pornography and review relevant  
16 constitutional issues; convene at least 3 public hearings across  
18 the State to gather input from communities regarding the issues  
20 related to exposure of minors to pornography; evaluate local  
community models used to prohibit the dissemination of  
pornography to minors and otherwise combat minors' exposure to  
pornography; and develop guidelines, including proposed enabling  
legislation if necessary, for communities to follow to reduce  
minors' exposure to pornography. The commission shall report its  
findings and any proposed legislation to the Legislature no later  
than December 15, 2001. The amendment also adds an appropriation  
section and a fiscal note to the bill.