

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 3

H.P. 4

House of Representatives, December 15, 2006

**An Act To Strengthen "Permissible Inference" in the Law
Concerning Dissemination of Sexually Explicit Material**

(EMERGENCY)

Received by the Clerk of the House on December 13, 2006. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SYKES of Harrison.
Cosponsored by Representatives: CEBRA of Naples, GERZOFSKY of Brunswick, McKANE of Newcastle, VAUGHAN of Durham.

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

3 **Whereas,** guaranteeing the safety of our children is one of the most important roles
4 we have as a society; and

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

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

10 **Sec. 1. 17-A MRSA §283, sub-§2,** as enacted by PL 2003, c. 711, Pt. B, §12, is
11 amended to read:

12 **2.** For the purposes of this section, possession of ~~10~~ 2 or more copies of any of the
13 materials as described in subsection 1 gives rise to a permissible inference under the
14 Maine Rules of Evidence, Rule 303 that the person possesses those items with intent to
15 disseminate.

16 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes
17 effect when approved.

18 **SUMMARY**

19 This bill changes the number of copies of sexually explicit material depicting minors
20 from 10 to 2 in order to give rise to a permissible inference under the Maine Rules of
21 Evidence of intent to distribute.