

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 123

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S.P. 62

In Senate, January 9, 2023

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### **An Act to Eliminate the Educational Purposes Exception to the Prohibition on the Dissemination of Obscene Matter to Minors**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.  
Cosponsored by Representative POMERLEAU of Standish.

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

2 **Sec. 1. 17 MRSA §2911, sub-§2**, as amended by PL 1983, c. 300, §4, is further  
3 amended to read:

4 **2. General rule.** A person is guilty of disseminating obscene matter to a minor if ~~he~~  
5 the person knowingly distributes, or exhibits or offers to distribute or exhibit to a minor,  
6 any obscene matter declared obscene, in an action to which ~~he~~ the person was a party,  
7 pursuant to subsection 3.

8 A. This section ~~shall~~ does not apply to any noncommercial distribution or exhibition  
9 for purely educational purposes by any library, art gallery, museum, ~~public school,~~  
10 private school or institution of learning, nor to any commercial distribution or  
11 exhibition by any art gallery or museum.

12 B. It ~~shall be~~ is a valid defense to any proceeding under this section that:

13 (1) The defendant was a parent or guardian of the minor;

14 (2) The distribution or exhibition is exempt under paragraph A; or

15 (3) For motion pictures, the minor was accompanied by ~~his~~ the minor's spouse,  
16 parent or legal guardian.

17 **SUMMARY**

18 This bill eliminates an exception to the prohibition on the dissemination of obscene  
19 matter to minors for educational purposes in public schools.