

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 563

H. P. 1138

House of Representatives, Feb. 8, 1933.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Piper of Bangor by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Relating to Board of Censors of Moving Pictures.

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

Section 1. Definitions. The word "film" used in this act means what is usually known as a motion-picture film.

The word "person" included an association, co-partnership, or a corporation.

Sec. 2. Films to be approved by board. It shall be unlawful to sell, lease, lend, exhibit, or use any motion-picture film, or reel, in Maine, unless the said film, or reel has been submitted by the exchange, owner, or lessee of the film, or reel, and duly approved by the Maine State Board of Censors, hereinafter in this act called the board.

Sec. 3. Standard of approval. The board shall examine or supervise the examinations of all films, or reels, to be exhibited or used in Maine; and shall approve such films, or reels, which are moral and proper; and shall disapprove such as are sacrilegious, obscene, indecent, or immoral, or such as tend, in the judgment of the board to debase or corrupt morals. This section shall not apply to announcement or advertising slides.

Sec. 4. Stamp of approval. Upon each film, or reel which has been approved by the board there shall be furnished and stamped by the board the following certificate or statement:

"Approved by Maine State Board of Censors"

and shall also furnish a certificate in writing to the same effect, which certificate shall be exhibited to any member of the board or employee thereof upon demand of the holder thereof.

In the case of motion pictures, such statement shall be shown on the screen, to the extent of approximately 4 feet of film.

Sec. 5. Records. The board shall keep a record of all examinations made by it of films, or reels; noting on the record all films, or reels which have been approved, and those which have not been approved, with the reason for such disapproval.

Sec. 6. Fees. For the examination of each film, or reel of 1,200 lineal feet, or less, the board shall receive, in advance, a fee of \$2, and \$2 for each duplicate or print thereof, which must be applied for at the same time and by the same person.

Sec. 7. Fees and fines; compensation. All fees received by the board and all fines imposed for violation of this act shall be, by the board, paid into the state treasury. The compensation for the board members shall be determined by the governor and council.

Sec. 8. Regulations of exhibitions. Any member or employee of the board may enter any place where films, or reels, are exhibited; and such member or employee is hereby empowered and authorized to prevent the display or exhibition of any film, or reel, which has not been duly approved by the board.

Sec. 9. Regulation of banners, posters and advertising matter. No banner, poster, or other like advertising matter shall contain anything that is immoral or improper. A copy of such banner and poster shall be submitted to the board.

Sec. 10. Rules and appointments. This act shall be enforced by the board. In carrying out and enforcing the purposes of this act, it may adopt such reasonable rules as it may deem necessary. Such rules shall not be inconsistent with the laws of the state.

30 days after the enactment of this act the governor shall appoint a board to be known as the Maine state board of censors, to consist of 5 citizens of the state, of which 2 members shall be women. The term of office shall be 5 years; one member shall be appointed for 1 year; one member shall be appointed for 2 years; one member shall be appointed for 3 years; one member shall be appointed for 4 years, and one member shall be appointed for 5 years.

The board shall have its office and do its censoring in one of the state house rooms, or in any other building approved by the governor and council.

Sec. 11. Disbursements, how paid. All disbursements of such nature

as to make it impracticable for the board to file, with the state auditor, itemized receipts or vouchers prior to the advance by the accounting officers of funds sufficient to meet such expenses, shall be paid out of money specifically appropriated for that purpose.

Sec. 12. Duties of persons who sell, lease, exhibit, or use films, reels, or views. Every person intending to sell, lease, exhibit, or use any film, or reel in Maine shall furnish the board, when the application for approval is made, a description of the film, or reel to be exhibited, sold, or leased, and the purpose thereof; and shall submit the film or reel, to the board for examination; and shall also furnish a statement or affidavit that the duplicate film or reel is an exact copy of the original film, or reel, as submitted for examination to the board; and that all eliminations, changes, or rejections, made or required by the board in the original film, or reel, have been or will be made in the duplicate.

Sec. 13. Interference with employees of board. It shall be unlawful for any person to hinder or interfere in any manner with any member or employee of the board while performing any duties in carrying out the intent or provisions of this act.

Sec. 14. Re-examination and appeal. If any elimination or disapproval of a film, or reel is ordered by the board, the person submitting such film, or reel for examination will receive immediate notice of such elimination or disapproval, and, if appealed from, such film, or reel will be promptly re-examined in the presence of such person, by two or more members of the board, and the same finally approved or disapproved promptly after such re-examination, with the right of appeal from the decision of the board to the superior court of the proper county.

Sec. 15. Penalties. Any person who violates any of the provisions of this act, and is convicted thereof summarily before any magistrate or justice of the peace, shall be sentenced to pay a fine of not less than \$25.00, nor more than \$50.00, for the first offense. For any subsequent offense the fine shall be not less than \$50.00, nor more than \$100.00. In default of payment of a fine and costs, the defendant shall be sentenced to imprisonment for not less than 10 days, and not more than 30 days. All fines shall be paid by the alderman, magistrate or justice of the peace to the board, and by it paid into the state treasury.

Sec. 16. Penalty for failure to display approval seal. If any person shall fail to display or exhibit on the screen the approval seal, as issued by the board, of a film, or reel which has been approved, and is convicted, he shall be sentenced to pay a fine of not less than \$5.00 and not more than \$10.00; in default of payment of a fine and costs, the defendant shall

be sentenced to imprisonment for not less than 2 days and not more than 5 days.

Sec. 17. Limitation of scope of act. This act does not apply to any exhibition of or use of films, or reels for purely educational, charitable, fraternal, or religious purpose, by any religious association, fraternal society, library, museum, public school, or private school, institution of learning, or by any corporation of the first class.

Sec. 18. Unconstitutionality. The several sections and provisions of this act are hereby declared to be independent of each other; and it is the legislative intent that, if any of said sections or provisions are declared to be unconstitutional, such section or provision shall not affect any other portion of this act.