

MAINE STATE LEGISLATURE

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

Legislative Document

No. 741

S. P. 282

In Senate, February 14, 1957.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Lord of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to the Distribution and Sale of Publications Depicting Crime and Torture.

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

Sec. 1. R. S., c. 134, § 24, repealed and replaced. Section 24 of chapter 134 of the Revised Statutes is hereby repealed and the following enacted in place thereof :

‘Sec. 24. Distribution and sale of publications depicting crime and torture. Whoever sells, rents, displays for sale, loans, gives or distributes to a child under 18 years of age or offers for sale to such a child any pamphlet, magazine, comic book, picture, picture book, ballad or other printed or written material which contains in its text, title, illustrations or accompanying advertisements, a fictional description or illustration of sadism, masochism, sexual perversion, bestiality or lust, or of the physical torture of human beings, shall be punished by imprisonment for not more than 2 years or by a fine of not less than \$100 nor more than \$1,000. In a prosecution under this section it shall not be necessary to prove that the defendant has read, or knows of the offensive description or picture contained in the literature involved. It shall be prima facie evidence of offering such literature for sale to a child under 18 if it is displayed upon a newsstand, counter or shelf in a store frequented by children under 18 or adjacent to a primary school or public playground; and if the words of the text or dialogue, exclusive of proper names, are written in the vocabulary of the 7th grade or below. Nothing in this section shall be construed as prohibiting the reporting of news or the description of actual crimes, human actions or court testimony, in the usual course of news reporting which gives the time and place of the occurrence so far as known either in daily newspapers or weekly or periodical

journals; nor as forbidding historical descriptions of actual events, nor copies of pictures of statuary or works of art on public display in civilized countries, nor excerpts from the Bible, Koran or the sacred literature of a religious sect. Any publisher, wholesaler, jobber or distributor who sells to any retail dealer in groups or lots any pamphlet, magazine, comic book, picture, picture book or ballad, the sale, rental, display for sale, loan, gift, distribution or offer of sale of which by said retail dealer constitutes a violation of this section, shall be jointly responsible with said retailer for violation of said section unless it shall appear that the retailer purchased the offending publication by a written order signed by the retailer specifying the publication by title.'

Sec. 2. R. S., c. 134, § 27, amended. Section 27 of chapter 134 of the Revised Statutes is hereby amended to read as follows:

'Sec. 27. Circulation among minors of criminal news and obscene pictures; jurisdiction. Whoever knowingly sells, lends, gives away or shows to any minor any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of lust or crime; or circulates, posts or causes to be circulated or posted in any conspicuous or public place any picture, handbill or poster containing obscene, indecent or immoral representations; or in any manner hires, uses or employs any minor to sell or give away, or in any manner to distribute, or who, having the care, custody or control of any minor, permits such minor to sell or give away, or in any manner to distribute any book, magazine, pamphlet or newspaper as described in this section shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not more than 6 months, or by both ~~such fine and imprisonment~~. Trial justices within their county shall have, by complaint, jurisdiction of the offenses mentioned in this section, original and concurrent with municipal courts and the Superior Court.'