

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

the child of the parent or guardian. This child safety seat shall comply with the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect January 1, 1981, within 30 days of the issuance of the civil violation citation.

7. Failure to secure a child; use as evidence. Failure to secure a child in a child safety seat or seat belt shall not be considered negligence imputable to the child, nor shall that failure be admissible as evidence in the trial of any civil or criminal action, except for a violation of this section.

Effective September 23, 1983.

CHAPTER 300

S.P. 477 - L.D. 1438

AN ACT to Amend the Obscenity Laws.

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

Sec. 1. 8 MRSA c. 26, as amended, is repealed.

Sec. 2. 17 MRSA §2911, sub-§1, ¶C, as enacted by PL 1977, c. 410, §2, is amended to read:

C. "Matter" means any printed or written material, any picture, photograph, motion picture or other visual representation; ~~excluding motion pictures.~~

Sec. 3. 17 MRSA §2911, sub-§1, ¶C-1 is enacted to read:

C-1. "Minor" means a person under 18 years of age.

Sec. 4. 17 MRSA §2911, sub-§2, ¶B, as enacted by PL 1977, c. 410, §2, is amended to read:

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

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

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

(3) For motion pictures, the minor was accompanied by his spouse, parent or legal guardian.

Sec. 5. 17 MRSA §2911, sub-§4, as enacted by PL 1977, c. 410, §2, is amended to read:

4. Penalty. Disseminating obscene matter to a minor is a Class D C crime.

Sec. 6. 17 MRSA §2912, sub-§2, ¶B, as enacted by PL 1979, c. 127, §123, is amended to read:

B. "Obscene material" means material which:

(1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;

(2) Depicts or describes in a patently offensive manner, human ultimate sexual intercourse, masturbation, sodomy, direct physical stimulation of unclothed genitals, or flagellation or torture in the context of ultimate sex acts, or which emphasizes the lewd depiction of uncovered genitals acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) When considered as a whole, lacks serious literary, artistic, political or scientific value.

Sec. 7. 17 MRSA §2913 is enacted to read:

§2913. Exhibiting obscene motion pictures to minors at outdoor motion picture theaters

1. Definitions. For purposes of this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Exhibit" means to display for viewing by the public.

B. "Obscene motion picture" means a motion picture which:

(1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;

(2) Depicts or describes in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) When considered as a whole, lacks serious literary, artistic, political or scientific value.

2. Exhibiting obscene motion pictures. A person is guilty of exhibiting obscene motion pictures to a minor at an outdoor motion picture theater if he knowingly exhibits an obscene motion picture declared obscene in an action to which he was a party pursuant to subsection 3, at an outdoor motion picture theater in such a manner that the exhibition is visible by minors from or in any public street, highway, sidewalk, thoroughfare, private residence or place of public accommodation.

3. Procedure for adjudicating obscenity. Whenever the Attorney General, or any district attorney, reasonably believes a person is exhibiting at an outdoor motion picture theater a motion picture which is obscene, he may petition the Superior Court to declare the motion picture obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General, or district attorney, may join all persons he reasonably believes to be exhibiting that motion picture to minors as parties to the action. The hearing on that petition shall be held not more than 10 days from the filing of the petition.

A. Trial on the issue of obscenity shall be by jury.

B. Intervention by others exhibiting the same motion picture shall be freely allowed.

C. Determination by a court, pursuant to this subsection, that a motion picture is obscene shall not bar relitigation of that issue in a criminal prosecution under this section.

4. Penalty. Exhibiting obscene motion pictures to a minor at an outdoor motion picture theater is a Class D crime.

Sec. 8. 17 MRSA §2921, sub-§3, as enacted by PL 1977, c. 628, §1, is amended to read:

3. Minor. "Minor" means a person under ~~16~~ 18 years of age.

Effective September 23, 1983.
