

# MAINE STATE LEGISLATURE

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## CHAPTER 93

## OBSCENITY

Sec.

- 2901. Making or circulating books and pictures.
- 2902. Notices for cure of venereal diseases.
- 2903. Circulation among minors of criminal news and obscene pictures.
- 2904. Use of phonographs for profane or obscene language.
- 2905. Obscene or impure shows.

**§ 2901. Making or circulating books and pictures**

Whoever sells, rents, displays for sale, loans, gives or distributes to any person or offers for sale to such a person or has in his possession, actual or constructive, any pamphlet, magazine, comic book, picture, picture book or film which contains illustrations of, or the literature of which contains, sadism, masochism, sexual perversion, bestiality or lust, or obscenity, indecency or immorality, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months. Under this section it shall be necessary to prove that the defendant knows, or by the exercise of reasonable diligence should know, of the offensive literature involved or the offensive picture contained in the literature involved. This section shall not apply to any medical examiner, county attorney, state attorney, police officer, sheriff or physician while in the performance of their professional or official duties.

R.S.1954, c. 134, § 24; 1957, c. 321, § 1; 1959, c. 279; 1961, c. 260, § 1; 1963, c. 29, § 1.

**§ 2902. Notices for cure of venereal diseases**

It shall be unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed, in any manner whatsoever, or to post or display, or to permit to be posted, displayed or to remain on any buildings, windows or outhouses, or premises or other surface owned or controlled by him in this State, or to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print or writing which refers to any person or persons from whom, or to any means by which, or to any office or place at which may be ob-

tained any treatment or cure for syphilis, gonorrhoea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele or self-abuse, whether described by such names, words, terms or phrases, or by any other names, words, terms or phrases calculated or intended to convey to the reader the idea that any of said diseases, infirmities, disabilities, conditions or habits are meant or referred to, or which refers to any medicine, article, device or preparation that may be used for the treatment, cure or prevention of any of the diseases, infirmities, disabilities, conditions or habits mentioned in this section.

This section shall not apply to publications, advertisements or notices of the United States Government, this State or of any municipality in this State, or of any public official, department or agency of this State charged with the enforcement of its health laws.

Any person violating any of the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both.

The word "person" as used in this section shall mean and include natural persons, copartnerships, corporations and associations and shall include persons of both sexes.

R.S.1954, c. 134, § 26.

### **§ 2903. Circulation among minors of criminal news and obscene pictures**

Whoever circulates, posts or causes to be circulated or posted in any conspicuous or public place any magazine, picture, handbill or poster containing obscene, indecent or immoral literature or 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 more than \$1,000, or by imprisonment for not more than 11 months, or by both. The District Court and the Superior Court shall have, by complaint, original and concurrent jurisdiction of the offenses mentioned in this section.

R.S.1954, c. 134, § 27; 1957, c. 321, § 2; 1961, c. 260, § 2; 1963, c. 29, § 2; c. 402, § 213.

**§ 2904. Use of phonographs for profane or obscene language**

Whoever in connection with any show or entertainment, whether public or private, either as owner, manager or director or in any other capacity, uses or causes or permits to be used a phonograph or other contrivance, instrument or device which utters or gives forth any profane, obscene or impure language shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 134, § 28.

**§ 2905. Obscene or impure shows**

Whoever as owner, manager, director, agent or in any other capacity prepares, advertises, gives, presents or participates in any obscene, indecent, immoral or impure show or entertainment, or in any show or entertainment manifestly tending to corrupt the morals of youth, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 134, § 29.