



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 123

S.P. 62

In Senate, January 9, 2023

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

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.