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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

November 5, 2012

44 Exchange Street LLC
One Pitcairn PL Ste #3000
Jenkintown, PA 19046

Dirigo Management
1 City Center
Portland, ME 04101

RE: 44 Exchange Street – 032-I-008 – B-3 Zone

Dear Sirs/Madams:

This letter is a follow up letter to the letter I sent to you on October 30, 2012. I have been in touch with BC Productions who have been completely co-operative during this matter. I have made an on-site inspection of the premises on today's day. I have witnessed that there is no retail of any materials, adult related or not, on-site. There is no filming or production on-site. Suite 204 in 44 Exchange Street is currently operating as an office use as previously approved. Suite 204 is not operating as an Adult Business establishment as defined under the Land Use Zoning Ordinance.

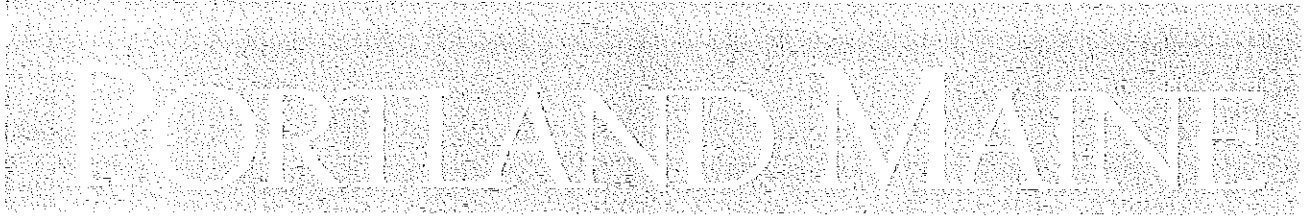
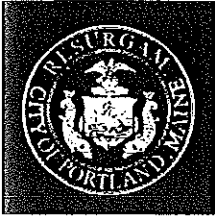
I have found that there is no violation of the Land Use Zoning Ordinance. The matter of the anonymous complaint is now closed.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: BC Productions



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Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

October 30, 2012

44 Exchange Street LLC
One Pitcairn PL Ste #3000
Jenkintown, PA 19046

Dirigo Management
1 City Center
Portland, ME 04101

RE: 44 Exchange Street – 032-I-008 – B-3 Zone

Dear Sirs/Madams:

It has recently come to the City's attention that your property located at 44 Exchange Street had had a change of use without undergoing the required review process and/or obtaining the necessary permits. More specifically, the City has learned that BC Production Inc., located in Suite 204, is operating an unpermitted Adult Business establishment in violation of the City Code.

It is necessary for you and/or your tenant to cease any unpermitted uses on your property. It is also necessary for you and/or your tenant to apply for and receive the necessary permits and licenses (from my office, the City Clerk, etc.) if you would like to continue the use of the property as an adult business establishment.

Please submit the necessary permit applications(s) (see attached) within ten (10) working days from the date of this letter. If I do not receive a permit application within the ten (10) working days and the illegal use has not been discontinued, this matter will be referred to the City Corporation Counsel's office for further legal action.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Certified mail

Marge Schmuckal - Fwd: Letter from the City of Portland

From: Tammy Munson
To: Marge Schmuckal
Date: 10/31/2012 3:02 PM
Subject: Fwd: Letter from the City of Portland
Attachments: img-121031181919.pdf

This came into my email. I think it is for you.

>>> "Peter Skapinsky" <Peter@dirigomgmt.com> 10/31/2012 2:44 PM >>>
Edward,

Attached is a letter I have received from the City of Portland today. It claims that you folks are an "unpermitted Adult Business" and are in violation of the City Code. I am not familiar with what you folks actually do at BC Productions, Inc. but at this point, I need you to provide me with a full description. It may be that your business is not compatible with the more typical businesses located in the other suites in the building. It is hard to say with knowing more of what you folks do. Even if the building owner agrees to allow you to stay in the building, you will still have to go through the permitting process with the City.

In any event, I need an immediate response as the City has given you only 10 days to begin the permit process. Please confirm you have received this email.

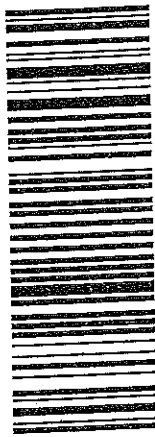
Regards,

Peter Skapinsky

Peter S. Skapinsky, CPM
Dirigo Management Company
One City Center, 4th Floor
Portland, Maine 04101-6409
(207) 871-1080
Email: peter@dirigomgmt.com
Website: www.dirigomgmt.com

CC: Marge Schmuckal, Zoning Administrator *says only doing Billing at this site*
11/1/12 - phone call from Jason Stuart @ BC Productions
11/5/12 - site visit 11:00 AM *712-9891(C) 761-4380 (office)*
met Jason on 2nd floor

CERTIFIED MAIL™



7010 3090 0002 3274 0088
7010 3090 0002 3274 0088

*Strengthening a Remarkable City,
Building a Community for Life*
**PORTLAND
MAINE**
Inspections Division
389 Congress Street, RM 315
Portland, Maine 04101-3509

SEA
RECEIVED

OCT 30 2012

Dept. of Building Inspections
City of Portland Maine

t LLC
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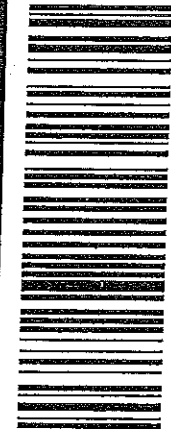
Postmark
Here

Sent to 44 EXCHANGE SP LLC
 Street, Apt. No.,
 or PO Box No. ONE PITCHER LN PL 43000
 City, State, ZIP+4 JENKINTOWN PA 19046

PS Form 3800, August 2006

See Reverse for Instructions

CERTIFIED MAIL™



7010 3090 0002 3274 0071
7010 3090 0002 3274 0071

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Building a Community for Life*

**PORTLAND
MAINE**

Inspections Division

389 Congress Street, RM 315
Portland, Maine 04101-3509

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~~RECEIVED~~
OCT 30 2012
Dept of Building Inspections
City of Portland Maine

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MARGE

Sent To *Dirigo Management*

Street, Apt. No.,
or PO Box No. *1 City Ctr*

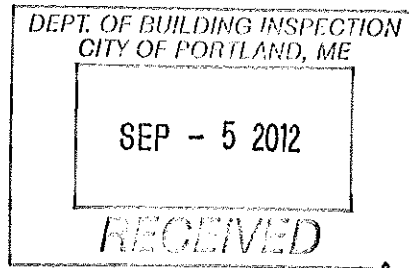
City, State, ZIP+4 *Portland ME 04101*

PS Form 3800, August 2006 See Reverse for Instructions

August 26, 2012

Marge Schmuckal
Zoning Administrator
389 Congress Street
Room 308
Portland, ME 04101

*B-3
32-I-008*



July 2003

guy on the ledge

Dear Ms. Schmuckal,

I think there may be a violation of zoning laws. Edward Mellen, Carlos Legaretta and Jason Steward are running a porn business out of 44 Exchange Street, Suite 204 in Portland. The company is BC Production Inc. BC Productions Inc. produces and distributes X-Rated gay videos and sexual material. BC Productions also owns and manages a couple of porn websites. One of these is <http://www.BulkMale.com> which is an X-Rated streaming video site of gay men. If you decide to view this site, be cautioned that it is very graphic. Of course they have a right to own this type of business, but it should not be allowed in a densely populated residential area where there are a large number of children. I know that I do not want my children or grandchildren around these men or this environment.

Thank you

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- Applications
- Doing Business
- Maps
- Tax Relief
- Tax Roll
- Q & A

CBL 032 1008001
Land Use Type RETAIL & PERSONAL SERVICE
Property Location 44 EXCHANGE ST
Owner Information 44 EXCHANGE STREET LLC
 ONE PITCAIRN PL STE 3000
 JENKINTOWN PA 19046
Book and Page 25643/195
Legal Description 32-1-8-9
 EXCHANGE ST 34-42

Acres 7029 SF
 0.1614

Current Assessed Valuation:

TAX ACCT NO. 4752 **OWNER OF RECORD AS OF APRIL 2012**
 44 EXCHANGE STREET LLC
LAND VALUE \$313,500.00 **ONE PITCAIRN PL STE 3000**
BUILDING VALUE \$1,366,400.00 **JENKINTOWN PA 19046**
NET TAXABLE - REAL ESTATE \$1,679,900.00
TAX AMOUNT \$31,615.72

browse city services a-z

browse facts and links a-z

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



Best viewed at 800x600, with Internet Explorer

Building Information:

Building 1
Year Built 1900
Style/Structure Type DOWNTOWN ROW
Units 1
Building Num/Name 1 - ABACUS / KENNEDY STUDIO
Square Feet 21593

[View Sketch](#)

[View Map](#)

[View Picture](#)



*Duigo Management
 1 City Center
 Portland, ME*

Exterior/Interior Information:

Building 1
Levels B1/B1
Size 1720
Use RETAIL STORE
Height 10
Heating HOT AIR
A/C NONE

Building 1
Levels B1/B1
Size 4208
Use SUPPORT AREA
Height 10
Heating HOT AIR
A/C NONE

Building 1
Levels 01/01
Size 5928
Use RETAIL STORE
Height 12
Walls BRICK/STONE
Heating HOT AIR
A/C NONE

Building 1
Levels 02/02
Size 5009
Use OFFICE BUILDING
Height 9
Walls BRICK/STONE
Heating HOT AIR

Marge Schmuckal - Re: Complaint letter received.

From: Trish McAllister
To: Marge Schmuckal
Date: 9/6/2012 11:43 AM
Subject: Re: Complaint letter received.

Marge,
I ran these names in our system, and didn't come up with anything. In addition I have asked several officers and our community coordinator for that area - no one knows them.

I think it is just a zoning violation to be dealt with at this point...? Let me know if you think of any other ways I can help.

Trish

Trish McAllister
Neighborhood Prosecutor
Portland Police Department
109 Middle Street
Portland, ME 04101
756-8350

>>> Marge Schmuckal 9/5/2012 4:03 PM >>>

Hi Trish,
Ok - that sounds like a good beginning point. thank you for taking a look at it.
Marge

>>> Trish McAllister 9/5/2012 2:17 PM >>>

Hi Marge,

I agree that at least the PD should be involved to determine whether these are dangerous/wanted/known individuals, so why don't you let me look into that. Then, if they are not particularly troublesome people as far as we are aware, you can just move forward with a typical zoning violation complaint....does that sound ok to you?

Trish

Trish McAllister
Neighborhood Prosecutor
Portland Police Department
109 Middle Street
Portland, ME 04101
756-8350

>>> Marge Schmuckal 9/5/2012 3:54 PM >>>

Hi Trish,
Danielle suggested that I contact you in reference to the attached letter of complaint that I received today. Yes, the zoning regulations do not allow adult businesses without City Council licenses. However, I am thinking that at least the police should be involved. So let me know what you think and how we, or I should proceed.

Hope you are doing well,
Marge Schmuckal
Zoning Administrator

Chapter 4 AMUSEMENTS*

*Cross reference(s)--Zoning regulation of adult business establishments, § 14-373 et seq.

State law reference(s)--Pinball machines, 8 M.R.S.A. § 441 et seq.

Art. I. In General, §§ 4-1--4-15

Art. II. Amusement Devices, §§ 4-16--4-40

Div. 1. Generally, §§ 4-16--4-25

Div. 2. License, §§ 4-26--4-40

Art. III. Music, Dancing and Special Entertainment, §§ 4-41--4-70

Div. 1. Generally, §§ 4-41--4-50

Div. 2. License, §§ 4-51--4-70

Art. IV. Gaming, §§ 4-71--4-82

Div. 1. Generally, §§ 4-71--4-80

Div. 2. License, §§ 4-81, 4-82

Art. V. Nudity in Licensed Businesses, §§ 4-83--4-96

Div. 1. Generally, §§ 4-83, 4-84

Div. 2. License, §§ 4-85--4-97

ARTICLE I. IN GENERAL

Sec. 4-1. Chapter 15 provisions apply.

Except to the extent that this chapter contains a contrary provision, all provisions of chapter 15 shall apply to and be additional to the provisions of this chapter.

(Ord. No. 165-06/07, 4-4-07)

Sec. 4-2. Reserved.

Sec. 4-3. Reserved.

Sec. 4-4. Reserved.

Sec. 4-5. Reserved.

Sec. 4-6. Reserved.

Sec. 4-7. Reserved.

Sec. 4-8. Reserved.

Sec. 4-9. Reserved.

Sec. 4-10. Reserved.

Sec. 4-11. Reserved.

- Sec. 4-12. Reserved.**
- Sec. 4-13. Reserved.**
- Sec. 4-14. Reserved.**
- Sec. 4-15. Reserved.**

ARTICLE II. AMUSEMENT DEVICES

DIVISION 1. GENERALLY

Sec. 4-16. Definitions.

Words used in this article shall have their common meaning, except that the definitions set forth in chapter 15, or in this section shall apply unless the context clearly indicates a different meaning:

Adult amusement device shall mean and include any device capable of showing by audio or visual reproduction, projection or otherwise, and used primarily to display material containing details, descriptions, or narrative accounts of acts of sexual stimulation, intercourse, or deviation, the dominant theme of which is an appeal to the prurient interest of the listener or viewer within a cubicle or other enclosed area. For the purpose of this article, each separate selection which may be made by the viewer requiring use of a different projection device shall make that projection device a separate adult amusement device.

Amusement device shall mean and include any vending machine, miniature pool and bowling machine, pinball machine, foosball, and any other device mechanical or otherwise which upon payment of a fee or insertion of a coin, disc, or other insertion piece, whether or not also manipulated by the operator, may be used by the public generally as a game, amusement or entertainment, whether or not registering a score and which does not dispense any form of pay-off, prize, or reward, other than an additional free use of the device itself.
(Code 1968, § 904.2; Ord. No. 231-80, 12-22-80)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-17. Gambling devices.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices whatsoever which are otherwise prohibited or contrary to the law, or for which a license is required by article IV of this chapter.

(Code 1968, § 904.3; Ord. No. 231-80, 12-22-80)

Sec. 4-18. Minors prohibited from using adult amusement device.

No person under the age of eighteen (18) shall be permitted by the licensee to operate an adult amusement device.

(Code 1968, § 904.4; Ord. No. 231-80, 12-22-80)

Sec. 4-19. Reserved.

Sec. 4-20. Reserved.

Sec. 4-21. Reserved.

Sec. 4-22. Reserved.

Sec. 4-23. Reserved.

Sec. 4-24. Reserved.

Sec. 4-25. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15.

Sec. 4-26. Required.

No person shall keep for public patronage or permit or allow the operation of any amusement device in or on any premises or location under his or her charge, control or custody, without having a license for each such device from the city.

(Code 1968, § 904.1; Ord. No. 231-80, 12-22-80)

Sec. 4-27. Notice and hearing.

The city clerk shall conduct a public hearing with respect to the grant of any original license issued under this division.

(Code 1968, § 904.5; Ord. No. 231-80, 12-22-80)

Sec. 4-28. Reserved.

*Editor's Note--Pursuant to Order 165-06/07, passed on 4-4-07 this section was relocated to Section 4-1.

- Sec. 4-29. Reserved.
- Sec. 4-30. Reserved.
- Sec. 4-31. Reserved.
- Sec. 4-32. Reserved.
- Sec. 4-33. Reserved.
- Sec. 4-34. Reserved.
- Sec. 4-35. Reserved.
- Sec. 4-36. Reserved.
- Sec. 4-37. Reserved.
- Sec. 4-38. Reserved.
- Sec. 4-39. Reserved.
- Sec. 4-40. Reserved.

ARTICLE III. MUSIC, DANCING AND SPECIAL ENTERTAINMENT*

*State law reference(s)--Dances, 8 M.R.S.A. § 161 et seq.; special permit for music, dancing or entertainment, 28 M.R.S.A. § 702.

DIVISION 1. GENERALLY

Sec. 4-41. Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after-hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.

(Code 1968, § 907.1; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Sec. 4-42. Definitions.

Terms used in this article shall have their common meaning except that the definitions set forth in chapter 15 and/or in

DIVISION 22.5. ADULT BUSINESS ESTABLISHMENTS*

*Cross reference(s)—Amusements, Ch. 4.

Sec. 14-373. Findings and purpose.

The council hereby finds that, because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted at all in certain zones, or if allowed to concentrate in certain other zones, within the city. Moreover, such establishments are incompatible with uses characterized by family and youth-related activities. The purpose of this division is, therefore, to prevent such deleterious effects and, thus, protect the public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishments.

(Ord. No. 187-81, § 602.16A(1), 9-21-81; Ord. No. 356-82, 1-18-82)

Sec. 14-374. Definitions.

Except as provided herein or in section 14-47, all words used in this division shall have their common meanings unless the context clearly implies otherwise.

Adult business establishment means and includes any retail business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

- (a) Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in section 4-16; or
- (b) Customarily exhibits motion pictures or displays any other visual representation described or advertised as being "X-rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or
- (c) Is adjudged to be in violation of 17 M.R.S.A. §§ 2911, ?

↑
Asked Daniella

2912.

Customarily means more often than an average of one (1) calendar week during any calendar month of operation.

Sexually explicit means the display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17-A M.R.S.A. § 251.

(Ord. No. 187-81, § 602.16A(2), 9-21-81; Ord. No. 356-82, 1-18-82)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 14-375. Adult business establishments permitted; special requirements.

(a) Notwithstanding any other provision of this article, adult business establishments shall be permitted only in the B-2 and B-3 zones, provided that such establishments, but for this division, would otherwise be permitted therein, and subject to the following special requirements:

- (1) Such establishment shall be at least one thousand (1,000) feet from any other adult business establishment, and at least five hundred (500) feet from any residential zone, as measured in a straight line, without regard to intervening structures or objects;
- (2) No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

(b) Except as expressly provided herein, nothing in this division shall be construed to waive or otherwise affect any other provision of this article.

(Ord. No. 187-81, § 602.16A(3), 9-21-81; Ord. No. 356-82, 1-18-82; Ord. No. 54-85, 6-17-85; Ord. No. 164-97, § 11, 1-6-97)

Sec. 14-376. - Sec. 14-380. Reserved.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

Sec. 14-381. Continuation.

Any lawful use of buildings, structures, premises or parts thereof, existing on June 5, 1957, and made nonconforming by the

B-3

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

CBL 032 I008001
Land Use Type RETAIL & PERSONAL SERVICE
Property Location 44 EXCHANGE ST
Owner Information 44 EXCHANGE STREET LLC
 ONE PITCAIRN PL STE 3000
 JENKINTOWN PA 19046
Book and Page 25643/195
Legal Description 32-1-B-9
 EXCHANGE ST 34-42
Acres 7029 SF
 0.1614

Current Assessed Valuation:

browse city services a-z

browse facts and links a-z

TAX ACCT NO. 4752 **OWNER OF RECORD AS OF APRIL 2012**
 44 EXCHANGE STREET LLC
LAND VALUE \$313,500.00 **ONE PITCAIRN PL STE 3000**
BUILDING VALUE \$1,366,400.00 **JENKINTOWN PA 19046**
NET TAXABLE - REAL ESTATE \$1,679,900.00
TAX AMOUNT \$31,615.72

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



Best viewed at 800x600, with Internet Explorer

Building Information:

Building 1
Year Built 1900
Style/Structure Type DOWNTOWN ROW
Units 1
Building Num/Name 1 - ABACUS / KENNEDY STUDIO
Square Feet 21593

[View Sketch](#)

[View Map](#)

[View Picture](#)



Exterior/Interior Information:

Building 1
Levels B1/B1
Size 1720
Use RETAIL STORE
Height 10
Heating HOT AIR
A/C NONE

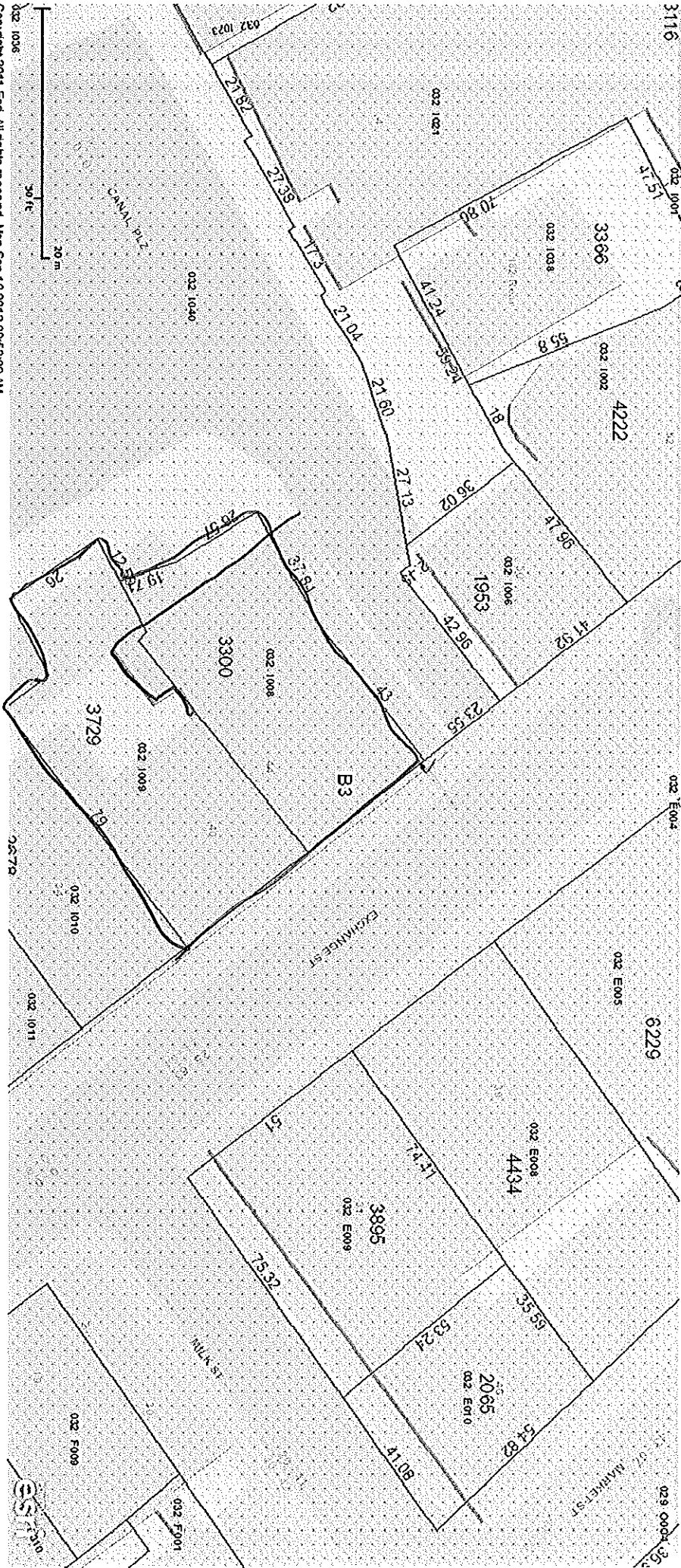
Building 1
Levels B1/B1
Size 4208
Use SUPPORT AREA
Height 10
Heating HOT AIR
A/C NONE

Building 1
Levels 01/01
Size 5928
Use RETAIL STORE
Height 12
Walls BRICK/STONE
Heating HOT AIR
A/C NONE

Building 1
Levels 02/02
Size 5009
Use OFFICE BUILDING
Height 9
Walls BRICK/STONE
Heating HOT AIR

44 Exchange St

032 1008



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Maine Revised Statutes

9/11/12

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- ◀ [TITLE 17 CONTENTS](#)
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§2906

Title 17: CRIMES

§2912

Chapter 93-A: OBSCENITY

§2911. Dissemination of obscene matter to minors

1. Definitions. As used in this section, unless the context indicates otherwise, the following words shall have the following meanings.

A. "Distribute" means to transfer possession, whether with or without consideration. [1977, c. 410, §2 (NEW).]

B. "Exhibit" means to display for viewing by the public. [1977, c. 410, §2 (NEW).]

C. "Matter" means any printed or written material, any picture, photograph, motion picture or other visual representation. [1983, c. 300, §2 (AMD).]

C-1. "Minor" means a person under 18 years of age. [1983, c. 300, §3 (NEW).]

D. "Obscene matter" means matter 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 the prurient interest;

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

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value. [1977, c. 696, §168 (AMD); 1983, c. 300, §§ 2, 3 (AMD).]

2. General rule. A person is guilty of disseminating obscene matter to a minor if he knowingly distributes, or exhibits or offers to distribute or exhibit to a minor, any obscene matter declared obscene, in an action to which he was a party, pursuant to subsection 3.

A. This section shall not apply to any noncommercial distribution or exhibition for purely educational purposes by any library, art gallery, museum, public school, private school or institution of learning, nor to any commercial distribution or exhibition by any art gallery or museum. [1977, c. 410, §2 (NEW).]

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;

(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. [1983, c. 300, §4 (AMD) .]

3. Procedure for adjudicating obscenity. Whenever the Attorney General, or any district attorney, reasonably believes a person is disseminating to minors matter which is obscene, he may petition the Superior Court to declare the matter obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General or district attorney may join all persons he reasonably believes to be disseminating that matter to minors as parties to the action. The hearing on such 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. [1977, c. 410, §2 (NEW) .]

B. Intervention by others disseminating the same matter shall be freely allowed. [1977, c. 410, §2 (NEW) .]

C. Determination by a court pursuant to this subsection that a matter is obscene shall not bar relitigation of that issue in a criminal prosecution under this section. [1977, c. 410, §2 (NEW) .]

[1977, c. 410, §2 (NEW) .]

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

[1983, c. 300, §5 (AMD) .]

SECTION HISTORY

1977, c. 410, §2 (NEW). 1977, c. 696, §168 (AMD). 1983, c. 300, §§2-5 (AMD).

Data for this page extracted on 02/01/2012 10:01:19.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**
Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

Maine Revised Statutes

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§2911

Title 17: CRIMES

§2913

Chapter 93-A: OBSCENITY

§2912. Magazines containing obscene material on their covers not to be displayed to minors

1. Prohibition. No book, magazine or newspaper containing obscene material on its cover and offered for sale may be displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

[RR 2009, c. 2, §37 (COR) .]

2. Definitions. For purposes of this section, the following terms shall have the following meanings.

A. "Minor" means any person who has not attained his 18th birthday. [1979, c. 127, §123 (NEW) .]

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, 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. [1983, c. 300, §6 (AMD) .]

[1983, c. 300, §6 (AMD) .]

3. Civil violation. Any person violating this section shall be subject to a forfeiture of not more than \$250.

[1979, c. 127, §123 (NEW) .]

SECTION HISTORY

1979, c. 127, §123 (NEW). 1983, c. 300, §6 (AMD).
RR 2009, c. 2, §37 (COR).

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Office of the Revisor of Statutes

7 State House Station
State House Room 108
Augusta, Maine 04333-0007

Maine Revised Statutes

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Title 17: CRIMES

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Chapter 93-A: OBSCENITY

➤ [STATUTE SEARCH](#)

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

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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. [1983, c. 300, §7 (NEW).]

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. [1983, c. 300, §7 (NEW).]

[1983, c. 300, §7 (NEW) .]

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.

[1983, c. 300, §7 (NEW) .]

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. [1983, c. 300, §7 (NEW).]

B. Intervention by others exhibiting the same motion picture shall be freely allowed. [1983, c. 300, §7 (NEW).]

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. [1983, c. 300, §7 (NEW).]

[1983, c. 300, §7 (NEW) .]

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

[1983, c. 300, §7 (NEW) .]

SECTION HISTORY
1983, c. 300, §7 (NEW).

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Augusta, Maine 04333-0007

Marge Schmuckal - 44 Exchange Street - Porn complaint

From: Marge Schmuckal
To: Danielle West-Chuhta; Jeff Levine; Mark Rees; Michael Sauschuck; Mik...
Date: 11/5/2012 11:45 AM
Subject: 44 Exchange Street - Porn complaint

I hope I have copied the folks who have received the anonymous letter that came into City Hall a month or so ago.

I sent out a letter to the owner of the property and to Dirigo Management who manages the property for the tenants, BC Production. Dirigo Management was quick to do a site visit as soon as they received my letter. I also made a site visit.

On site there are no explicit retail sales of any pornographic materials. No videos that I could see on-site. There is no active production or filming of any pornographic (or any other filming) on-site. I spoke with Jason Steward on site. There are four computer stations on site. Jason told me that what is done out of the site is marketing for trips (geared to gay men). He also does billing on site. For zoning purposes, the actual site is being used only for offices - no retail - no filming or production. Dirigo Management told me that they have had a lease with BC Productions since 2003. It is not a new renter.

I have determined that there is no Zoning Violation on site. The location maintains the office use which is allowed. I will be following up with a letter to the owner of the property and Dirigo Management regarding my findings.

Marge Schmuckal
Zoning Administrator

From: Sonia Bean
To: Jeff Levine; Michael Sauschuck
Date: 9/7/2012 11:11 AM
Subject: From Mark
Attachments: 44 Exchange Street.pdf

Sonia Bean
Senior Administrative Assistant
Executive Department
City of Portland
(207) 874-8689

August 26, 2012

Mark Rees
City Manager
389 Congress Street
Room 208
Portland, ME 04101

CITY OF PORTLAND, MAINE

SEP . 5 2012

City Managers Office

Dear Sir,

I think there may be a violation of zoning laws. Edward Mellen, Carlos Legaretta and Jason Steward are running a porn business out of 44 Exchange Street, Suite 204 in Portland. The company is BC Production Inc. BC Productions Inc. produces and distributes X-Rated gay videos and sexual material. BC Productions also owns and manages a couple of porn websites. One of these is <http://www.BulkMale.com> which is an X-Rated streaming video site of gay men. If you decide to view this site, be cautioned that it is very graphic. Of course they have a right to own this type of business, but it should not be allowed in a densely populated residential area where there are a large number of children. I know that I do not want my children or grandchildren around these men or this environment.

Thank you

CC: Police Chief
Jeff Keenan

Jason@BCProductionsInc.com

Site visit 11/5/12 - 11:00 AM



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