

MAINE STATE LEGISLATURE

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L.D. 1115

(Filing No. H- 202)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " **A** " to H.P. 782, L.D. 1115, Bill, "AN ACT to Encourage Retraction of Defamatory Statements."

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 14 MRSA §153, as amended by PL 1979, c. 663, §74, is further amended to read:

§153. Mitigation of damages in action for libel

The defendant in an action for libel may prove in mitigation of damages that the charge was made by mistake or through error or by inadvertence and that he has in writing, within a reasonable time after the publication of the charge, retracted the charge and denied its truth as publicly and as fully as he made the charge. He may prove in mitigation of damages that the plaintiff failed to notify the defendant of the libel in a timely fashion and that the defendant was therefore unable to lessen damage to the plaintiff's reputation. He may prove in mitigation of damages that the plaintiff has already recovered or has brought action for damages for, or has received or has agreed to receive compensation for, substantially the same libel.'

STATEMENT OF FACT

The purpose of this amendment is to provide that, once a libel has been proved in court, the defendant may then argue that the amount of damages should be reduced because the plaintiff failed to notify the

COMMITTEE AMENDMENT "A" to H.P. 782, L.D. 1115

1 defendant of the libel in a timely fashion. The de-
2 fendant's argument will be that, had the plaintiff
3 notified the defendant of the libel in a timely fash-
4 ion, the defendant could have printed a retraction
5 that would have lessened the damage to the
6 plaintiff's reputation for which the money damages
7 are sought.

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Reported by the Committee on Judiciary
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5/28/85 (Filing No. H-202)