

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 20

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT relative to Actions for Libel.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. In any action for libel the defendant, after
2 notice in writing given to the plaintiff or to his attorney
3 at any time before the pleadings are required to be filed
4 therein of his intention to publish a retraction of such
5 libel accompanied by a copy of the retraction which he is
6 prepared to publish, may give in evidence in mitigation
7 of damages that he so published such retraction; or if
8 upon such notice the plaintiff does not accept the offer so
9 to publish such retraction the defendant may give in
10 evidence in mitigation of damages that he offered to pub-
11 lish such retraction and that said offer was not accepted

12 and that the alleged libel was published in good faith and
13 without actual malice, and unless the plaintiff prove actual
14 malice or want of good faith or a failure either to retract
15 or offer to retract as aforesaid, he shall recover only com-
16 pensation for the actual injury sustained.

Sect. 2. In any civil action for libel the defendant may
2 allege and prove in mitigation of damages that the plain-
3 tiff has already recovered damages for, or has received,
4 or has agreed to receive, compensation in respect of sub-
5 stantially the same libel as that for which such action was
6 brought.

Sect. 3. In actions for libel an unproved allegation in
2 the pleadings of the truth of the matter charged shall not
3 be deemed proof of malice unless the jury on the whole
4 case find that such defence was made with malicious
5 intent.

Sect. 4. In any action for libel if the defendant at the
2 first term files an affidavit that he has a good defence upon
3 the merits and that the statements complained of were
4 published in good faith, the court after hearing may order
5 the plaintiff to give security for costs.

Sect. 5. Whoever willfully states, delivers or trans-
2 mits by any means whatever to the manager, editor,
3 publisher or reporter of any newspaper, magazine, publi-
4 cation, periodical or serial, for publication therein, any
5 false or libelous statement concerning any person or
6 corporation, and thereby secures the actual publication of
7 the same, shall, upon conviction thereof, be punished by
8 fine not exceeding five hundred dollars, or imprisonment
9 not exceeding one year, or by both fine and imprison-
10 ment.

STATE OF MAINE.

IN SENATE, January 25, 1901.

On motion of Mr. WHITE of Androscoggin, laid on table to be printed,
pending reference to Committee on the Judiciary in concurrence.

KENDALL M. DUNBAR, *Secretary.*