

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
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(g) Bargaining over the subjects described in subparagraph (l), divisions (g), (h) and (i), shall be subject to the dispute resolution procedures of subsections 2, 3 and 4. For purposes of subsection 4, paragraph D, controversies over the subjects described in subparagraph (l), divisions (g), (h) and (i), shall be deemed "controversies over salaries."

(5) Nothing in this chapter may be construed to exclude from the scope of collective bargaining the subjects described in subparagraph (l), divisions (g), (h) and (i).

Effective September 19, 1985.

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## CHAPTER 290

H.P. 782 - L.D. 1115

### AN ACT to Encourage Retraction of Defamatory Statements.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §152 is repealed.

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.

Sec. 3. 14 MRSA §154 is repealed.

Effective September 19, 1985.

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## CHAPTER 291

S.P. 229 - L.D. 591

### AN ACT Concerning Admission Contracts for Nursing Homes.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §§1826 and 1827 are enacted to read:

§1826. Nursing home admission contracts

All contracts or agreements executed at the time of admission or prior to admission by a resident or legal representative and by any nursing home licensed pursuant to this chapter shall be subject to the requirements of this section.

1. Required contract provisions. Each contract or agreement shall contain the following provisions.

A. A resident may obtain medical care from any qualified institution, agency or person of his choice, as long as that health care provider complies with any applicable laws or rules concerning the provision of care to the resident.

B. A resident may obtain medication from any qualified pharmacy, as long as that pharmacy complies with any applicable state rules and federal regulations and with the reasonable policies of the facility concerning procurement of medication.

2. Contract requirements. Each contract or agreement is subject to the following requirements.

A. No contract or agreement may contain a provision for the discharge of a resident or the transfer of a resident to another facility or to