

# MAINE STATE LEGISLATURE

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## CHAPTER 77

## LIBEL AND SLANDER

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**§ 2201. Definition; publication**

A libel is the malicious defamation of a living person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or of a deceased person, thus made public, designed to blacken and vilify his memory and tending to scandalize or provoke his relatives or friends; but nothing shall be deemed a libel unless there is a publication thereof. The delivery, selling, reading or otherwise communicating a libel directly or indirectly to any person, including the person libeled, is a publication. Whoever makes, composes, dictates, writes or prints a libel, directs or procures it to be done, willfully publishes or circulates it, or knowingly and willfully aids in doing either, shall be punished by a fine of not more than \$1,000 and by imprisonment for less than one year.

R.S.1954, c. 130, § 30.

**§ 2202. Printing or publishing**

Whoever manages or controls the business of a printing office, bookstore or shop, as principal or agent, or is, in whole or in part, proprietor, editor, printer or publisher of a newspaper, pamphlet, book or other publication is responsible for any libel printed or published therein, unless he proves on trial that it was printed and published without his knowledge, consent or suspicion, and that by reasonable care and diligence he could not have prevented it.

R.S.1954, c. 130, § 31.

**§ 2203. Radio and television**

A person shall be responsible for any libel published or uttered in or as a part of a visual or sound radio broadcast, unless he proves on trial that it was broadcast and published without his knowledge, consent or suspicion, and that by reasonable care and diligence he could not have prevented it.

In no event shall any person be held liable for any damages for any defamatory statement uttered by another over the facilities of a visual or sound radio station or network by or on behalf of any candidate for public office, or in discussion of any matter referred to referendum, if such person shall have no power of censorship over the material broadcast.

R.S.1954, c. 130, § 32.

**§ 2204. Publication; penalty**

Whoever willfully and maliciously states, delivers or transmits by any means whatever to the manager, editor, publisher or reporter of any newspaper, magazine, publication, periodical or serial, for publication therein, any false or libelous statement concerning any person or corporation, and thereby secures the actual publication of the same, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 130, § 33.

**§ 2205. Truth as defense; jury judges law and facts**

In prosecutions for any publication relative to the official conduct of men in their public capacities, or to the qualifications of candidates for popular suffrages, or where the matter published is proper for public information, the truth thereof may be given in evidence and, if proved, shall be a complete justification. In prosecutions for all other libels, the truth thereof, thus proved, shall be a complete justification unless it appears that such publication originated in corrupt and malicious motives. If any alleged libel is not justified in either of said modes, it shall be deemed malicious unless the contrary is clearly proved. In all indictments for libel, the jury, after receiving the direction of the court, may determine at their discretion the law and the fact.

R.S.1954, c. 130, § 34.

**§ 2206. Publishing list of debtors; exceptions**

No person, firm or corporation shall publicly advertise for sale in any manner whatever, or for any purpose whatever, any list or lists of debts, dues, accounts, demands, notes or judgments containing the names of any of the persons who owe the same. Any such public advertisement containing the name of but one person who owes as aforesaid shall be construed as a list within the meaning of this section. Any person, firm or corporation violating any of the provisions of this section shall be liable in a civil action to a penalty of not less than \$25 nor more than \$100, to each and every person, severally and not jointly, whose name appears in any such list. This section shall not apply to executors, administrators, guardians, trustees, trustees in bankruptcy, assignees in insolvency, sheriffs, deputy sheriffs, constables, collectors of taxes, town treasurers or any other officials whose official duties require them to publish any such list or lists.

R.S.1954, c. 130, § 35; 1961, c. 317, § 453.

**§ 2207. False reports concerning banks and insurance companies**

Whoever maliciously makes, publishes, utters, repeats or circulates any false report concerning any savings bank, national bank, trust company, loan and building association or insurance company shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 130, § 36.