

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
95th LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 478, L. D. 1142, Bill "An Act Clarifying Certain Highway Laws."

Amend said Bill by striking out, in the section numbered "7-D", the underlined words "public roads administration" wherever they appear and inserting in place thereof the underlined words 'Bureau of Public Roads, Department of Commerce'

Further amend said Bill by inserting, in the section numbered "7-F", after the underlined word "alignment" the underlined word 'of'

Further amend said Bill by striking out, in the 1st sentence of the section numbered "7-H", the underlined word "herein" and inserting after the underlined word "provided" the underlined words 'in this chapter'

Further amend said Bill by striking out, in the 1st sentence of the section numbered "7-J", the underlined word "hereof" and inserting in place thereof the underlined words 'of this chapter'

Further amend said Bill by striking out, in the 2nd sentence of the section numbered "7-J", the underlined word "section" and inserting in place thereof the underlined word 'chapter'

Further amend said Bill by striking out, in the 4th sentence of the section numbered "7-K", the underlined words "3 public places" and inserting in place thereof the underlined words '1 conspicuous place'

Further amend said Bill by striking out all of the section numbered "8-H" and inserting in place thereof the following:

'Sec. 8-H. State liable for certain judgments recovered against towns and counties on account of defects in state and state aid highways and for attorney fees, costs and expenses in defending. The state shall be liable to towns and counties for any judgment recovered in any action against such town or county and for reasonable attorney fees, costs and expense incurred in defending such action under the provisions of sections 88 to 92, inclusive, of chapter 84, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which sections 46 or 50 may apply; provided, however, that within 24 hours after any of the various officials mentioned in said section 88 of chapter 84 first has notice of such defect or want of repair or sufficient railing, such officials shall give written notice thereof to some member of the commission; provided also that within 10 days after any of the various officials mentioned in said section 88 first has notice of any injury to any person, such officials shall give written notice thereof to some member of the commission; provided also that the state shall not be liable for any injury sustained upon the sidewalk of any such state or state aid highway or sustained during the construction of such state or state aid highway within its limits; provided also that the state shall not be liable for any injury under the provisions of this section in an amount exceeding \$4,000; provided also that any sums recoverable under the provisions of section 93 of chapter 84 shall be deducted from the judgment against such town or county in determining the liability of the state under the provisions of this section. The commission may appear and take upon itself the defense of any action affecting the liability of the state under the provisions of this section.'

All judgments, fees, costs and expenses reimbursable to towns and counties under the provisions of this section shall be a proper charge against the fund for maintenance.'

Further amend said Bill by adding at the end thereof 2 additional sections to read as follows:

(OVER)

*(Filing No. 358)*

'Sec. 9. R. S., c. 19, §91, amended. The 1st sentence of section 91 of chapter 19 of the revised statutes is hereby repealed and the following 3 sentences enacted in place thereof:

'The state highway commission, county commissioners and municipal officers are authorized to promulgate such reasonable rules and regulations as in their judgment may be necessary to insure the proper use and to prevent abuse of all highways under their maintenance or supervision by motor driven and animal drawn vehicles during such seasons of the year as said highways require such special protection. These rules and regulations shall be kept on file. The state highway commission shall designate state and state aid highways and improved 3rd-class highways and bridges, or sections thereof, over which, during such periods of each year as may be determined by the commission, it shall be unlawful for any motor truck or other vehicle or team to pass having a weight, with or without load, exceeding that prescribed by said commission; or to pass except according to restrictions as to weight, speed, operation and equipment prescribed by the commission and pursuant to its permit or notice.'

Sec. 10. R. S., c. 84, §§126 and 127, repealed. Sections 126 and 127 of chapter 84 of the revised statutes are hereby repealed.'

Reported by the Committee on Highways.

Read and adopted in the Senate April 25, 1951.

Reproduced and distributed under direction of the Clerk of the House.

(Filing No. 358)

5/3/51