

MAINE STATE LEGISLATURE

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CHAPTER 17
LIABILITY FOR DEFECTS

Sec.

1451. Judgments against towns and counties.

§ 1451. Judgments against towns and counties

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 sections 3655 to 3658 and 3701, but only when pertaining to those state and state aid highways to the improvement of which the State has contributed; or to which sections 802 or 1001 may apply. Within 24 hours after any of the various officials mentioned in said section 3655, 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 that within 10 days after any of the various officials mentioned in said section 3655 first has notice of any injury to any person, such officials shall give written notice thereof to some member of the commission and provided 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. The State shall not be liable for any injury under this section in an amount exceeding \$4,000. Any sums recoverable under section 3702, shall be deducted from the judgment against such town or county in determining the liability of the State under this section. The commission may appear and take upon itself the defense of any action affecting the liability of the State under this section.

All judgments, fees, costs and expenses reimbursable to towns and counties under this section shall be a proper charge against the State Highway Maintenance Fund.

R.S.1954, c. 23, § 35.