

MAINE STATE LEGISLATURE

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November 9, 1927

To State Highway Commission
Re: Defense of Suits for Damages

Answering your inquiry, . . . I would call your attention to Chapter 121, Public Laws of 1927, which provides that the state will be liable to towns and counties for any judgment recovered against such towns and counties and for attorney's fees and reasonable costs in defending such action, when the accident occurred on a state or state aid highway.

There is a provision in this section to the effect that the Commission may appear and take upon itself the defense of any action affecting the liability of the state under this chapter.

I think it has been the practice heretofore for the town to take upon itself the defense and it appears to me to be the wise course to let the town defend.

I have talked with the Attorney General (Raymond Fellows) and he is of the same opinion.

Sanford L. Fogg
Deputy Attorney General