

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

February 15, 1935

State Highway Commission
Augusta, Maine

Attention of Mr. Barrows

Re: Claim for damages resulting to
car of Eugene Morin from an
alleged defect in State Highway
through Auburn and Mechanic Falls.

Dear Sir:

I assume that the highway in question was a part of the winter route laid out by the Commission to be cleared of snow under the provisions of Chapter 28, Section 52, of the Revised Statutes, as amended by Chapter 231 of the Public Laws of 1931.

I also assume that the alleged damages were caused by the accumulation of ice and snow on the surface of said highway.

If my understanding is correct, I am pleased to advise you that the State is not liable for any accident that may have occurred on said highway while the same was covered with snow or ice. In Section 55 of said chapter, as amended, it is expressly provided that,--

"The state or the town shall not be liable for accidents while the road surface is covered with ice or snow."

The provisions of Section 39 of Chapter 28 of the Revised Statutes do not appear to be applicable to this case.

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

SLF H