

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**

June 28, 1955

(Letter to a complainant)

Re: Legal Liability, highway accidents during highway construction.

. . . Although the statutes are not clear on the point, the State has established the policy of accepting liability for accidents that are caused by negligence of our maintenance crews. However, this negligence must be clear and established before we can accept liability.

The State does not accept responsibility for maintaining the highway at all times free from loose rocks. Rocks are cast into the way by trucks that take to the shoulders of the highway and frequently rocks fall from trucks. In addition, rocks are of necessity put into the road temporarily by machines that work. This latter case occasions the need for the signs that are placed while work is being done.

We have received an investigation report of your complaint, which indicates that the rocks in this case must have been thrown out from the shoulder by a passing truck. In addition, this was posted on account of the work. In view of the evidence at present presented, I would not be justified in accepting liability on the part of the State.

I regret that we cannot compensate everyone who receives injuries on the highway and hope you realize that the multiplicity of these small claims that arise would cost the State thousands of dollars. We have no authority to help out hard luck cases without legislative sanction. . .

L. Smith Dunnack
Assistant Attorney General

LSD/ek