

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 161

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to amend section eighty of chapter eighteen of the
Revised Statutes, relating to injuries on highways.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Section eighty of chapter eighteen of the
2 Revised Statutes is hereby amended by inserting after the
3 word "town" in the eighth line, the following words: 'Or
4 any person authorized by any commissioner of such county,
5 or any municipal officer, or road commissioner of such town,
6 to act as a substitute for either of them.' So that said section
7 as amended shall read as follows:

'Sect. 80. Whoever receives any bodily injury, or suffers
9 damage in his property, through any defect or want of repair
10 or sufficient railing, in any highway, town way, causeway or
11 bridge, may recover for the same in a special action on the

12 case, to be commenced within one year from the date of receiv-
13 ing such injury, or suffering damage, of the county or town
14 obliged by law to repair the same, if the commissioners of
15 such county, or the municipal officers, or road commissioners
16 of such town, or any person authorized by any commissioner
17 of such county or an municipal officer, or road commissioner
18 of such town, to act as a substitute for either of them, had
19 twenty-four hours' actual notice of the defect or want of
20 repair; but not exceeding two thousand dollars in case of a
21 town; and if the sufferer had notice of the condition of such
22 way previous to the time of the injury, he cannot recover of
23 a town unless he has previously notified one of the municipal
24 officers of the defective condition of such way; and any per-
25 son who sustains injury or damage, as aforesaid, shall within
26 fourteen days thereafter, notify one of the county commis-
27 sioners of such county, or of the municipal officers of such
28 town, by letter or otherwise, in writing, setting forth his claim
29 for damages and specifying the nature of his injuries and the
30 nature and location of the defect which caused such injury.
31 If the life of any person is lost through such deficiency, his
32 executors or administrators may recover of such county or
33 town liable to keep the same in repair, in an action on the
34 case, brought for the benefit of the estate of the deceased,
35 such sum as the jury may deem reasonable as damages, if
36 the parties liable had said notice of the deficiency which
37 caused the loss of life; at the trial of any such action the
38 court may, on motion of either party, order a view of the
39 premises where the defect or want of repair is alleged, when
40 it would materially aid in a clear understanding of the case.'

Sect. 2. This act shall take effect when approved.



STATE OF MAINE.

IN SENATE, March 4, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.