

# MAINE STATE LEGISLATURE

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**EIGHTY - THIRD LEGISLATURE**

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**House Document**

**No. 359**

H. P. 1069

House of Representatives, March 9, 1927.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Dudley of Calais.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-SEVEN

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AN ACT Relating to State Highways.

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Be it enacted by the People of the State of Maine, as follows :

Section twenty-nine of chapter twenty-five of the revised  
2 statutes is hereby amended by adding after the word "coun-  
3 ty" in the third line thereof, the words 'and for reasonable  
4 attorney fees, costs and expense incurred in defending such  
5 action,' so that said section as amended shall read as fol-  
6 lows :

'Sect. 29. The state shall be liable to towns and counties  
2 for any judgment recovered in any action against such town  
3 or county and for reasonable attorney fees, costs and ex-  
4 pense incurred in defending such action under the provisions  
5 of sections ninety-two to ninety-six, both inclusive, of chap-

6 ter twenty-four, but only when pertaining to those state  
7 and state aid highways to the improvement of which the  
8 state has contributed; or to which sections eight or seven-  
9 teen may apply; provided, however, that within twenty-four  
10 hours after any of the various officials mentioned in said  
11 section ninety-two first has notice of such defect or want  
12 or repair or sufficient railing such officials shall give written  
13 notice thereof to some member of the commission; pro-  
14 vided also that within ten days after any of the various  
15 officials mentioned in said section ninety-two first has notice  
16 of any injury to any person such officials shall give writ-  
17 ten notice thereof to some member of the commision; pro-  
18 vided also, that the state shall not be liable for any injury  
19 sustained upon the sidewalk of any such highway or sus-  
20 tained during the construction of such state or state aid  
21 highway within its limits; provided also, that the state shall  
22 not be liable for any injury under this section in an amount  
23 exceeding four thousand dollars; provided also that any  
24 sums recoverable under section ninety-seven of chapter  
25 twenty-four shall be deducted from the judgment against  
26 such town or county in determining the liability of the state  
27 under this section. The commission may appear and take  
28 upon itself the defense of any action affecting the liability  
29 of the state under this section.'