

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 157

S. P. 373

In Senate, Feb. 12, 1929.

Referred to Committee on Ways and Bridges and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spear of Cumberland.

STATE OF MAINE

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

AN ACT Relating to Damage Suits Brought Against Towns
and Counties on State and State Aid Highways.

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, as amended by chapter one hundred and twenty-
3 one of the public laws of nineteen hundred and twenty-
4 seven, is hereby amended by adding to said section the fol-
5 lowing words: 'All judgments, fees, costs, and expenses
6 reimbursable to towns and counties under this section shall
7 be a proper charge against the account of maintenance and
8 administration in the office of the state highway commis-

9 sion'; so that when amended said section shall read as fol-
10 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 provision
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 of repair or sufficient railing such officials shall give written
13 notice thereof to some member of the commission; provided
14 also that within ten days after any of the various officials
15 mentioned in said section ninety-two first has notice of any
16 injury to any person such officials shall give written notice
17 thereof to some member of the commission; provided also,
18 that the state shall not be liable for any injury sustained
19 upon the sidewalk of any such state or state aid highway
20 or sustained during the construction of such state or state
21 aid highway within its limits; provided also, that the state
22 shall not be liable for any injury under this section in an
23 amount exceeding four thousand dollars; provided also that
24 any 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. All judgments, fees, costs
30 and expenses reimbursable to towns and counties under this
31 section shall be a proper charge against the account of main-
32 tenance and administration in the office of the state high-
33 way commission.'