

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
96th Legislature

SENATE AMENDMENT "A" to S. P. 59, L. D. 127, Bill "An Act Relating to Limitation for Injuries by Defect in Highways."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

"Sec. 88. Persons injured by highway defects; damages; notice. Whoever receives any bodily injury or suffers damage in his property, through any defect or want of repair or sufficient railing in any highway, town way, causeway or bridge, may recover for the same in a special action on the case, to be commenced within 1 year from the date of receiving such injury or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county, or the municipal officers or road commissioners of such town, or any person authorized by any commissioner of such county or any municipal officer, or road commissioner of such town, to act as a substitute for either of them, had 24 hours' actual notice of the defect or want of repair, but not exceeding ~~\$2,000~~ \$4,000 in case of a town; and if the sufferer had notice of the condition of such way previous to the time of the injury, he cannot recover of a town unless he has previously notified one of the municipal officers of the defective condition of such way; and any person who sustains injury or damage, as aforesaid, or some person in his behalf shall, within 14 days thereafter, notify one of the county commissioners of such county, or of the municipal officers of such town, by letter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury. If the life of any person is lost through such deficiency, his executors or administrators may recover of such county or town liable to keep the same in repair, in an action on the case, brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had said notice of the deficiency which caused the loss of life; at the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged, when it would materially aid in a clear understanding of the case."

Presented by Senator Boucher of Androscoggin County.

Read and adopted in the Senate April 28, 1953.

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(Filing No. 482)

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