

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)

N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 127

S. P. 59

In Senate, January 22, 1953

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Boucher of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Limitation for Injuries by Defect in Highways.

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

R. S., c. 84, § 88, amended. Section 88 of chapter 84 of the revised statutes is hereby amended to read as follows :

'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, **city 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~~ **or city** obliged by law to repair the same, if the commissioners of such county, ~~or the~~ municipal officers or road commissioners of such town **or city**, or any person authorized by any commissioner of such county or any municipal officer, or road commissioner of such town **or city**, 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 in case of a town, **nor \$5,000 in case of a city**; 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 **or city** 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 be-

half shall, within 14 days thereafter, notify one of the county commissioners of such county, or of the municipal officers of such town **or city**, 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 **or city** 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.'