

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

public inspection. Any treasurer neglecting to comply with the provisions of this statute shall be liable to a penalty of fifty dollars.'

—penalty.

Section 2. This act shall take effect when approved.

Approved March 18, 1903.

Chapter 108.

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 revised statutes, is hereby amended by inserting after the word "town" in the eighth line, the following words: '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.' So that said section as amended, shall read as follows:

Section 80 of chapter 18, R. S., amended.

'Section 80. 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 one 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 twenty-four hours actual notice of the defect or want of repair; but not exceeding two thousand dollars 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, shall within fourteen 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.

Persons injured by defects may recover damages.

—county or towns must have 24 hours actual notice of defect.

—limitation.

CHAP. 109

—loss of life,
damages for,
how re-
covered.

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.'

Section 2. This act shall take effect when approved.

Approved March 18, 1903.

Chapter 109.

An Act to amend Section one of Chapter thirty of the Revised Statutes, as amended by Chapter one hundred fifteen of the Public Laws of eighteen hundred ninety-five, and Sections three and four of Chapter thirty of the Revised Statutes, in relation to Dogs.

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

Section one of chapter thirty of the revised statutes as amended by chapter one hundred fifteen of the public laws of eighteen hundred ninety-five is hereby amended by inserting after the word "done" in the fifth line of said section the words 'provided said damage was not occasioned through the fault of the person injured,' so that said section as amended, shall read as follows:

'Section 1. Towns may pass by-laws, to regulate the going at large of dogs therein. When a dog does damage to a person or his property, his owner or keeper and also the parent, guardian, master, or mistress of any minor who owns or keeps such dog, forfeits to the person injured the amount of the damage done, provided said damage was not occasioned through the fault of the person injured; to be recovered by action of trespass.'

Section 2. Section three of chapter thirty of the revised statutes is hereby amended, so it shall read as follows:

'Section 3. Whoever is so assaulted or finds a dog strolling outside of the premises or immediate care of its owner or keeper, may, within forty-eight hours thereafter, make written complaint before the municipal or police court having jurisdiction in the city or town where the owner or keeper resides, or in case there is no such court, before a trial justice in said town, that he really

Section 1 of
chapter 30
of R. S. as
amended by
chapter 115,
public laws of
1895, further
amended.

Going at large
of dogs,
towns may
regulate.

—forfeiture
for damages
done by dogs.

—proviso.

Section 3 of
chapter 30 of
R. S.,
amended.

Written
complaint
may be made
of dogs at
large.