§3651. Failure to provide safety and convenience

Highways, town ways and streets legally established must be opened and kept in repair so as to be safe and convenient for travelers with motor vehicles based on existing roadway surface and the season of the year. A municipal officer or county commissioner responsible for maintenance and repair of a town way must be notified by a resident in writing of which way is not safe and convenient. Once notified, the municipal officer or county commissioner may evaluate the risk to travelers based on existing roadway surface and the season of the year and recommend a reasonably achievable repair. If a municipal officer or county commissioner unreasonably neglects to repair the defective town way in a reasonable amount of time after receiving notice, a person who receives bodily injury or suffers damage to the person's property through any defect or want of repair on any town way may recover for the same in a civil action pursuant to section 3655. [PL 2025, c. 395, §1 (AMD).]

1. Legal objects not defects. Trees, structures, utility poles and facilities and other things that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in Title 35-A, section 2502, subsection 3.
[PL 2019, c. 128, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 363, §5 (AMD). PL 1987, c. 583, §1 (AMD). PL 2019, c. 128, §1 (AMD). PL 2025, c. 395, §1 (AMD).

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