

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 297

S. P. 118

In Senate, January 21, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Moore of Cumberland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Certain Agreements in Construction Contracts.**

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

R. S., T. 14, § 165, additional. Title 14 of the Revised Statutes is amended by adding a new section 165 to read as follows:

**§ 165. Agreements to indemnify against public policy**

A covenant, promise, agreement or understanding in or in connection with or collateral to a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable.

STATEMENT OF FACT

Recent developments in contractual relationships have given rise to an extraordinarily severe responsibility being placed on the parties of contract. The difficulties have been brought about by the sometimes inconspicuous use of "Hold Harmless" clauses within the contract. Both the insurance industry and the construction industry are increasingly aware of and concerned with these clauses in construction contracts—which require indemnification of persons beyond the control of the indemnifier. This proposed legislation will make such "Hold Harmless" clauses against public interest and void and unenforceable.