

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1045

S.P. 362

In Senate, March 1, 2005

An Act Regarding Contract Indemnification

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.

Cosponsored by Senators: MARTIN of Aroostook, SULLIVAN of York, WESTON of Waldo,
Representatives: CANAVAN of Waterville, RECTOR of Thomaston.

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

4 **Sec. 1. 10 MRSA §1120-A** is enacted to read:

6 **§1120-A. Indemnification agreements against public policy**

8 **1. Agreements void and unenforceable.** It is against public
10 policy and is void and unenforceable if, notwithstanding any
12 other provision of this chapter, a provision, clause, covenant or
14 agreement contained in, collateral to or affecting a construction
16 contract or a contract involving the harvesting of timber, a
18 contract involving maintenance of property engaged in the
20 harvesting of timber or a contract attendant to timber or
22 woodworking operations of any nature, purports to indemnify the
24 promisee against liability for damages for:

26 A. Death or bodily injury to persons;

28 B. Injury to property;

30 C. Design defects; or

32 D. Other loss, damage or expense arising under paragraph A,
34 B or C from the negligence or willful misconduct of the
36 promisee or the promisee's agents, servants or independent
38 contractors, who are directly responsible to the promisee.

2. Exceptions. Nothing in this section affects the
validity of an insurance contract for workers' compensation or
any other insurance contract or agreement issued by a licensed
insurer.

SUMMARY

This bill prohibits certain indemnification agreements by
which a contracting party indemnifies itself from its own
negligence or willful misconduct.