

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 296

H.P. 240

House of Representatives, January 19, 2007

An Act To Amend the Laws Governing Indemnification Agreements

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WHEELER of Kittery.
Cosponsored by Senator BOWMAN of York and
Representatives: BURNS of Berwick, CAMPBELL of Newfield, Speaker CUMMINGS of
Portland, HILL of York, PINGREE of North Haven, WATSON of Bath, Senator:
COURTNEY of York.

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

2 **Sec. 1. 10 MRSA c. 201-B** is enacted to read:

3 **CHAPTER 201-B**

4 **INDEMNIFICATION IN CONTRACTS**

5 **§1120-A. Indemnification agreements against public policy**

6 **1. Indemnification void and unenforceable.** A provision, clause, covenant or
7 agreement contained in, collateral to or affecting a contract that purports to indemnify or
8 hold harmless, or both, the promisee from or against claims or liabilities arising out of
9 any intentional act or omission of the promisee or promisor, or the agents, servants,
10 employees or independent contractors of the promisee or promisor, is against public
11 policy and is void and unenforceable.

12 **2. Additional insured not prohibited.** This section does not prohibit an agreement
13 or requirement in a contract from including the promisee as an additional insured in an
14 insurance contract.

15 **3. Exceptions.** This section does not affect the validity of an insurance contract for
16 workers' compensation or any other insurance contract or agreement issued by a licensed
17 insurer.

18 **4. Application.** This section applies to contracts entered into or renewed on or after
19 January 1, 2008.

20 **SUMMARY**

21 This bill prohibits certain indemnification agreements in contracts, but only when the
22 agreement would indemnify or hold harmless, or both, the promisee from and against
23 liability arising out of any intentional act or omission by the promisee or promisor, or the
24 agents, servants, employees or independent contractors of the promisee or promisor. This
25 bill does not affect workers' compensation or other insurance contracts. The parties are
26 not prohibited from agreeing that the promisee must be included as an additional insured
27 in an insurance contract. This bill applies to all contracts entered into or renewed on or
28 after January 1, 2008.