

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 727

S.P. 216

In Senate, February 18, 2011

### **An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts**

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Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator COURTNEY of York.

Cosponsored by Representative CEBRA of Naples and

Senators: COLLINS of York, HASTINGS of Oxford, THOMAS of Somerset, Representatives: CROCKETT of Bethel, MITCHELL of the Penobscot Nation, MOULTON of York, NASS of Acton, SARTY of Denmark.

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

2 **Sec. 1. 10 MRSA c. 215-A** is enacted to read:

3 **CHAPTER 215-A**

4 **MOTOR CARRIER TRANSPORTATION CONTRACTS**

5 **§1459. Indemnity agreement in motor carrier transportation contract void**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
7 following terms have the following meanings.

8 A. "Motor carrier transportation contract" means a contract, agreement or  
9 understanding covering:

10 (1) The transportation of property for compensation by a motor carrier;

11 (2) Entrance on property by a motor carrier for the purposes of loading,  
12 unloading or transporting property for compensation; or

13 (3) A service incidental to an activity described in subparagraph (1) or (2),  
14 including, but not limited to, storage of property.

15 B. "Promisee" means the promisee and any agents, employees, servants or  
16 independent contractors who are directly responsible to the promisee, except for a  
17 motor carrier that is a party to a motor carrier transportation contract with the  
18 promisee and the motor carrier's agents, employees, servants or independent  
19 contractors directly responsible to the motor carrier.

20 **2. Certain indemnity agreements void.** Notwithstanding any other provision of  
21 law, a provision, clause, covenant or agreement contained in, collateral to or affecting a  
22 motor carrier transportation contract that purports to indemnify, defend or hold harmless,  
23 or has the effect of indemnifying, defending or holding harmless, the promisee from or  
24 against any liability for loss or damage resulting from the negligence or intentional acts or  
25 omissions of the promisee is against the public policy of this State and is void and  
26 unenforceable.

27 **SUMMARY**

28 This bill provides that certain indemnity agreements in motor carrier transportation  
29 contracts are void and unenforceable.