

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 587

S.P. 203

In Senate, March 3, 2015

An Act Regarding Contract Indemnification

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative NUTTING of Oakland and
Senators: KATZ of Kennebec, PATRICK of Oxford, President THIBODEAU of Waldo,
VOLK of Cumberland, Representatives: DION of Portland, ESPLING of New Gloucester,
WARD of Dedham.

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

2 **Sec. 1. 10 MRSA §1112**, as enacted by PL 1993, c. 461, §1, is amended to read:

3 **§1112. Application**

4 ~~This~~ Except for section 1120-A, this chapter does not apply to contracts entered into
5 by the Department of Transportation.

6 **Sec. 2. 10 MRSA §1120-A** is enacted to read:

7 **§1120-A. Indemnification agreements against public policy**

8 It is against public policy and is void and unenforceable if, notwithstanding any other
9 provision of this chapter, a provision, clause, covenant or agreement contained in,
10 collateral to or affecting a construction contract purports to require a contractor or
11 subcontractor, a contractor's or subcontractor's surety or that surety's insurer to indemnify
12 the promisee against liability for damages for loss, damage or expense arising from the
13 negligence or willful misconduct of the promisee or an employee, agent or servant of the
14 promisee or an independent contractor who is directly responsible to the promisee.

15 **SUMMARY**

16 This bill prohibits certain indemnification agreements, including those by which a
17 promisee requires a contracting party to indemnify the promisee from the promisee's own
18 negligence or willful misconduct.