

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2049

H.P. 1373

House of Representatives, December 11, 2025

An Act to Clarify Indemnification When Seeking Remedy for Labor Law Violations

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 9, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BECK of South Portland.

Cosponsored by Senator TALBOT ROSS of Cumberland and

Representatives: Speaker FECTION of Biddeford, GEIGER of Rockland, MACIAS of Topsham, Senators: President DAUGHTRY of Cumberland, TIPPING of Penobscot.

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

2 **Sec. 1. 26 MRSA §1318** is enacted to read:

3 **§1318. Joint and several liability**

4 **1. Contractors and construction subcontractors.** A contractor and the contractor's
5 construction subcontractor in the construction industry that is responsible for performing
6 or directing craft work are jointly and severally liable to the construction subcontractor's
7 employees for the construction subcontractor's violation of this chapter or chapter 7.

8 Except as otherwise provided in an executed and enforceable contract between a contractor
9 and a construction subcontractor, the construction subcontractor shall indemnify the
10 contractor for any wages, damages, interest, penalties and attorney's fees owed as a result
11 of the construction subcontractor's violation of this chapter or chapter 7, unless the violation
12 was due to the lack of prompt payment in accordance with the terms of the contract between
13 the contractor and the construction subcontractor.

14 For the purposes of this subsection, "construction subcontractor" has the same meaning as
15 in Title 39-A, section 105-A, subsection 1, paragraph B.

16 **2. Employment agencies and employers.** An employment agency that employs an
17 employee who performs work on behalf of or for the benefit of another employer pursuant
18 to a temporary staffing arrangement or contract for services is, together with the employer,
19 jointly and severally liable for violation of this chapter or chapter 7.

20 Except as otherwise provided in an executed and enforceable contract between an
21 employment agency and an employer, the employment agency shall indemnify the
22 employer for any wages, damages, interest, penalties and attorney's fees owed as a result
23 of the employment agency's violation of this chapter or chapter 7.

24 **SUMMARY**

25 This bill establishes joint and several liability of contractors and subcontractors in the
26 construction industry, and employment agencies and employers, for violations of labor
27 laws under the Maine Revised Statutes, Title 26, chapters 7 and 15. It also requires
28 subcontractors to indemnify contractors and employment agencies to indemnify employers
29 for any wages, damages, interest, penalties and attorney's fees owed as a result of the
30 subcontractor's violation or the employment agency's violation of Title 26, chapter 7 or 15.