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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
SENATE  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 290, L.D. 865, Bill, “An Act Regarding Contract Indemnification”

Amend the bill by striking out all of section 2 and inserting the following:

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

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

It is against public policy and is void and unenforceable if, notwithstanding any other provision of this chapter, a provision, clause, covenant or agreement contained in, collateral to or affecting a construction contract purports to require a contractor or subcontractor or a contractor's or subcontractor's surety to indemnify the promisee against liability for damages for:

- 1. Death or bodily injury.** Death or bodily injury to persons;
- 2. Injury to property.** Injury to property; or
- 3. Other loss.** Other losses arising from the negligence or willful misconduct of the promisee or the promisee's agents, servants or independent contractors who are directly responsible to the promisee.

**Sec. 3. Application.** This Act does not apply to any contract entered into before the effective date of this Act.'

**SUMMARY**

This amendment is the minority report of the committee. It changes the provision in the bill prohibiting certain indemnification agreements by which a contracting party indemnifies itself from liability for damages for death or bodily injury or injury to property or losses arising from its own negligence or willful misconduct to remove a reference to a surety's insurer and also language that includes design defects in the prohibition. It also adds an application section.

**COMMITTEE AMENDMENT**