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Senator Carney, Representative Kuhn, and members of the Judiciary Committee: .

I am writing this letter in support of LD 1761, An Act to Prohibit Indemnification Agreements.

I own and manage Treeline, Inc., a company I founded in 1981. Treeline is a diversified, forest-based business that directly and indirectly supports well over 100 families.

Over the past 44 years, there have been many contracts our company has signed to provide timber harvesting services which have included an indemnification or “hold harmless” clause. These clauses require that even if a landowner is solely or partially negligent in an accident that occurs on their property, they cannot be held liable.

I have personally requested that the indemnification language be removed from our contracts. However, my requests to eliminate provisions requiring us to hold the landowner harmless—even in cases of the landowner’s negligence—have consistently been denied.

Unfortunately, the only way to continue employing the people who depend on this work has been to sign these contracts. I owe it to my employees not to jeopardize current or future jobs by refusing terms that are standard in the industry. We are at the mercy of landowners and the current state of the logging industry; if we do not agree to these terms, another company will. In that case, my company is left without work.

I would also add that as a result of signing these contracts, our insurance underwriter must ensure that there is adequate coverage to protect us from this risk. Added risk equates to higher insurance rates and unfunded mandates. These additional costs must be absorbed by Treeline as we can’t pass this along to those we work for as we are price takers, not price setters.

I respectfully ask for your serious consideration of LD 1761. Please vote “ought to pass” on the amended version of the bill.

Respectfully,

Brian Souers