

Testimony of Joseph Edwards, Esq.
In Support of LD 1761, as Amended
Before the Joint Standing Committee on Judiciary
January 7, 2026

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

My name is Joe Edwards. I have been a licensed attorney for more than fifty years. For over four of those years, I served as Maine's Insurance Superintendent, and for the nearly thirty-four years since, I have administered self-insured workers' compensation trusts in Maine. I am here today on behalf of the members of seven of those trusts.

Last year, this Legislature's Health Coverage, Insurance and Financial Services Committee voted unanimously ought-to-pass on LD 1761, as amended. My members respectfully urge you to do the same.

This amended bill does something very simple: it makes contractual "hold harmless" clauses unenforceable when they require one party to assume liability for the *other party's* negligence. In plain language, it requires people and companies to be responsible for the harm they cause negligently—and nothing more.

The self-insurance trusts I represent have an outstanding record of reducing workplace injuries in Maine for two principal reasons. First, because they are self-insured, they pay claims with their own money. Second—and more importantly—they understand that safety must always come first, ahead of productivity, profit, convenience, or complexity. And when injuries do occur, they take responsibility and pay the resulting costs.

They believe that this standard of responsibility should apply equally to everyone living or working in Maine.

And in most cases, it does—except where large organizations use their economic leverage to force smaller contractors or vendors to accept liability for the larger company's own negligence. That arrangement is extraordinarily beneficial for the large company. It doesn't have to worry about safety, duty of care, lawsuits or damages—not because harm does not occur, but because responsibility has been contractually shifted to a party that's innocent of the larger company's negligence.

That result is plainly unfair, and I would submit it is fundamentally inconsistent with basic principles of justice and accountability.

You will undoubtedly hear opposition to this bill. You might ask opponents a simple question: *Will you be responsible when your negligence causes injury or damage?* That is a yes-or-no question. I would also ask them how often they have willingly accepted unlimited liability for

someone else's negligence. In my experience, it is a serious red flag when one party demands something of the other that it would never do itself.

You may also hear that large companies cannot be onsite to supervise work and that contractors are better positioned to prevent injuries. That may be true—but it has nothing to do with this bill. A contractor's control over its own work does not give it control over another company's negligent acts. That reality of job site control does not justify exempting anyone from responsibility for their own negligence.

Ultimately, this bill is about safety, fairness, and accountability. The best way to keep people safe is to ensure that everyone has a real incentive to act carefully and responsibly. That incentive disappears when negligence can be contractually exported to someone else.

Objections to LD 1761 ultimately come down to money, convenience, complexity, and risk-avoidance. None of those concerns outweighs the fundamental principles at stake here: fairness, responsibility, and the protection of Maine workers.

For those reasons, I respectfully urge the Committee to support LD 1761, as amended.

Thank you for your time and consideration.