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Written Testimony of Shaw Brothers Construction of Gorham Maine

In Support of LD 1761

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

Shaw Brothers Construction is submitting written testimony in Support of LD 1761. We are a 48-year-old construction business in Gorham Maine. We employ over 250 Maine people in the construction industry specializing in highways, earth work, paving and aggregate production. We work very hard to be one of the safest companies in the industry.

LD 1761 is so crucial that the Boards of seven self-insured workers' compensation trusts in Maine including the trust our company belongs to, the Construction Services Group came together to support legislation that would prohibit unfair and increasingly common business practice: forcing one company to accept liability for another company's negligence as a condition of doing business.

When large corporations require smaller companies to sign contracts that transfer liability, they put Maine businesses and Maine itself at risk. As a smaller company, we have little bargaining power. If you want the job, you sign the contract or lose the opportunity, hurting Maine workers. It's not a choice; it's coercion. Those opposing this legislation are not protecting Maine, they're protecting out-of-state corporations and special interest groups, who without this bill, don't want to take responsibility for their own negligence.

Maine employers who follow the rules can still be forced to pay for injuries they didn't cause at job sites they don't control because of unsafe practices they never created. This isn't eliminating risk; it's shifting it onto small businesses, their insurers, and ultimately the hardworking employees who depend on them. That's not fair, it's a hidden tax on Maine's job creators.

In Maine, this practice is already prohibited in transportation contracts, and many other states ban it in construction contracts. LD 1761 simply levels the playing field, aligning Maine with proven standards in other states and industries. It's about fairness, consistency, and protecting Maine businesses from being forced into one-sided agreements.

At Shaw Brothers, safety isn't just a slogan, it's a core value. "Safety Pays" isn't a catchphrase; it's how we operate every day. Maine employers work tirelessly to prevent injuries, and we believe in accountability. If our negligence causes harm, we should bear the responsibility. That principle drives us to invest in rigorous safety programs, comprehensive training, and strong oversight. Accountability works; it creates safer job sites and protects Maine workers.

LD 1761 is simple and fair: it ensures responsibility rests where it belongs, on the party whose negligence caused the harm. That's the principle we live by at Shaw Brothers. It's the principle most Maine businesses follow. And it should be the principle for everyone doing business in this state because accountability isn't optional; it's the foundation of trust and safety.

Please support LD 1761 and allow it to move forward out of fairness to all of Maine Businesses.

Thank you,

Jonathan Shaw
President
Shaw Brothers Construction