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An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment

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

Sec. 1. 10 MRSA §1293-A, as enacted by PL 2011, c. 236, §16 and affected by §18, is amended to read:

§ 1293-A. Prohibited acts

A supplier may not:

1. Coercion involving deliveries and orders. Mandate, coerce or attempt to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier;

2. Interference in dealer's business. Require any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; ~~or~~

3. Coercion involving sale of equipment. Prevent, coerce or attempt to coerce a dealer from having an investment in or holding a dealership contract for the sale of competing product lines or makes of equipment or require the dealer to provide separate facilities for competing product lines or makes of equipment; ~~or~~

4. Recover costs for reimbursement. If the supplier has reimbursed a dealer for equipment, repair parts or labor to avoid a violation of this section, recover the supplier's costs of that reimbursement.

SUMMARY

Current law prohibits a supplier of farm, forestry, construction, utility or industrial equipment from coercing a dealer to order or accept deliveries of equipment or repair parts or from interfering in a dealer's business. This bill provides that, when a supplier reimburses a dealer for equipment, repair parts or labor because of the prohibition on coercion and interference, the supplier is prohibited from recovering the supplier's costs of that reimbursement.