



**Written Testimony of Daniel B. Fisher, Senior Vice President
of Associated Equipment Distributors**

**Before the Innovation, Development, Economic Advancement and
Business Committee on LD 1487**

Chair Roberts, Chair Curry, and other committee members, Associated Equipment Distributors (AED) appreciates the opportunity to offer this testimony in conjunction with the Development, Economic Advancement and Business Committee's hearing on LD 1487.

AED is the trade association representing companies that sell, rent, and service construction, farm, mining, energy, forestry, and industrial equipment. Our members, which are predominantly small-medium-sized, independent, family-owned businesses, employ many workers across Maine, providing well-paying jobs and serving as a positive force within communities throughout the state. Below please find a list of AED member companies and locations in Maine.

Right to repair" is a simple slogan; however, the policy proposals surrounding the issue are complex with significant consequences.

LD 1487's application to the off-road equipment industry is based on the false narrative that customers are unable to fix their own tractors and machinery. To the contrary, equipment manufacturers and distributors make available diagnostic tools, repair information, parts, and remote customer support. Idle, non-functioning equipment equals lost time and money. Whether it's on a road building project or a farm during harvest there is absolutely zero incentive to not do everything we can as equipment dealers and manufacturers to keep a machine running. That can mean repairs completed by a dealership service technician, the customer, or a third-party provider. The equipment industry is highly competitive, and if a company isn't providing proper and timely service, nothing is stopping the customer from moving to a competitor and their products.

In fact, a substantial majority of our members' parts sales are sold directly to customers so they can repair their own equipment. However, the tractors AED members are selling today are not the same as those sold decades ago. While customers can complete most repairs to their machinery, government environmental and safety regulations, as well as technological developments that have made equipment more efficient and productive, necessitate restrictions in access to source code and software that ensure key operational functions aren't modified or disabled. Equipment dealers invest countless resources to train certified technicians to work on complex machinery. LD 1487 invites unqualified individuals to attempt to repair the world's most advanced and sophisticated equipment, at significant risk to themselves, operators, and the public.

LD 1487 would also completely alter the equipment industry's distribution model, putting countless small businesses at risk. Equipment manufacturers rely on a network of independent, mostly family-owned small-to-medium-sized companies to sell, rent and service the equipment. These dealers make significant investments in their employees, including training service technicians to repair and maintain the latest high technology machinery. Many AED member facilities in Maine are in rural and underserved areas, creating well-paying careers and economic opportunity.

Equipment dealers invest extensive capital in parts inventories to ensure repairs and maintenance can occur as soon as possible. Anyone can walk into an AED member facility (or go online) and buy OEM parts for their tractor. There's no restriction on who can purchase parts, whether it's an equipment owner, a third-party service provider, an equipment operator, or a member of the general public. However, there will be no incentive for equipment dealers to carry parts inventory if the manufacturer (or the dealer) is forced to sell parts for a fixed price without profit, such as is mandated by LD 1487.

Suggested Amendment

Given the substantial concerns with LD 1487 outlined above, AED and our Maine-based members urge you to adopt exemption language that protects public safety and the economic viability of the equipment distribution industry. The language is identical to an amendment adopted by New York before passage of right to repair

legislation last year and has been utilized in numerous states with similar proposals:

Manufacturers, distributors, importers or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, road-building equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment, portable generators, marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources, (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing.

Conclusion

For the off-road equipment industry, LD 1487 is a solution in search of a problem. AED members provide customers and third-party repair providers with parts, tools, and other resources to complete nearly all repairs.

Enacting LD 1487 will stifle entrepreneurship and result in an unprecedented intrusion by government into the free enterprise system. The viability of the equipment distribution industry will be severely hampered, causing lost economic activity, job creation, and technological advancement.

Thank you for the committee's consideration of my testimony.

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AED's Maine Dealer Locations

Alta Equipment	Lewiston
Anderson Equipment Company	Gorham
Anderson Equipment Company	Bangor
C. N. Wood Co., Inc.	Westbrook
Central Equipment Company	Stillwater
Chadwick-BaRoss Inc.	Westbrook
Chadwick-BaRoss Inc.	Caribou
Chadwick-BaRoss Inc.	Bangor
Frank Martin Sons, Inc.	Madison
Frank Martin Sons, Inc.	Fort Kent
Heavy Machines, Inc.	Skowhegan
Milton CAT	Brewer
Milton CAT	Scarborough
TB Equipment & Rental, Inc.	Bangor
Thompson Rolec Enterprises	Lewiston
United Construction & Forestry	Hermon
United Construction & Forestry	New Canada
Whited Equipment Company	Presque Isle
Whited Equipment Company	Auburn
Whited Equipment Company	Saco
Whited Equipment Company	Bangor