



Brad Farrin
Senator, District 3

131st MAINE SENATE

3 State House Station
Augusta, ME 04333

**Testimony of Brad Farrin
In opposition to L.D. 1487, An Act to Ensure That Residents of the State
have the Right to Repair Their Own Electronic Devices
Before the Innovation, Development, Economic Advancement and Business Committee
April 18, 2023**

Senator Curry, Representative Roberts, and members of the Joint Standing Committee on Innovation Development, Economic Advancement and Business: My name is Brad Farrin and I am the Corporate Facilities Manager for Milton CAT and Milton RENTS.

Milton CAT is the full-service Caterpillar dealer for Maine, New Hampshire, Vermont, Massachusetts, upstate New York, and Rhode Island. We have 19 locations across our territory and more than 1,200 employees that help support our more than 50,000 customers. In Maine, we have two locations in Brewer & Scarborough, which we service both Earthmoving and Power Systems customers. In Maine, we had 70 residents employed in 2022 and that number only continues to grow.

We have major concerns and oppose the passage of L.D. 1487, the “Digital Right to Repair Electronic Equipment” legislation. If L.D. 1487 was to be adopted it would have a serious, devastating impact on Maine’s Off Road & Heavy Equipment industry, State Dealers, Independent Repair facilities and customers as well as a significant impact to the economy of the State.

Having a territory and customer base this size requires us to partner with our customers so we can both maximize our resources. To do this, we actively support and train our customers on the Caterpillar diagnostic platform, ET and the online Service Manual platform, SIS. In addition, our customers have access to our technical help line. These platforms and services provide our customers with the information and instructions needed to test, diagnose, calibrate and repair almost any problem that should arise.

We draw the line, however, at providing access to embedded codes that control the safety and federal EPA emissions compliance on machines. The need to access these types of features occurs in less than one percent of all the repairs we perform and in many instances involves direct communication with a factory representative in helping to define the necessary changes. If given access, an individual could override or incorrectly change the coding to disengage built-in safety features on machines, such as safety levers on excavators, seat sensors, overload sensors, high-pressure fuel systems, etc.

Milton CAT invests millions of dollars a year in technician training and development and tooling. As well as partnering with vocational and technical high schools and colleges across our territory to

help promote our industry and create a pipeline to help develop and grow qualified technicians. Not only have we made a huge investment in parts inventories, employee training, tools, service trucks, etc. to ensure customers can remain up and running. L.D. 1487, would require the sale of parts directly to equipment owners, independent repair providers at “fair and reasonable terms,” which has been interpreted elsewhere to mean “dealer net pricing.”

Caterpillar equipment is used across multiple industries; Construction, Mining, Power Generation as well as Agriculture to name a few. With everything mentioned as well as a sense of responsibility and caution for the general public and end user well-being, Milton CAT cannot support L.D. 1487, nor do we feel there is a need for this legislation.

In the event that the Committee advances this bill, Milton Cat respectfully requests that the Committee consider an amendment that was incorporated into a similar New York measure, which provides an exemption for off-road / heavy equipment industry. The operative language of that exemption is:

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.

For these reasons and more, Milton Cat respectfully request that the Innovation, Development, Economic Advancement and Business Committee oppose or amend L.D. 1487.