

# Local 4 OPERATING ENGINEERS

International Union of



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**To:** Members of the Committee on Innovation, Development, Economic Advancement and Business.

**Subject: Testimony – Oppose LD 1497**

Dear Chair Roberts and Chair Curry and Honorable Members of the Committee on Innovation, Development, Economic Advancement and Business.

My name is William D. McLaughlin, and I am a member of the International Union of Operating Engineers (IUOE), Local 4 based in Medway, Massachusetts with offices in Portland Maine. The IUOE has approximately 500 members in the Great State of Maine . If you are unfamiliar with the role of the IUOE, our Members, Operating Engineers, operate the bulldozers, the motor graders, the backhoes, the cranes helping to form and shape the infrastructure and skylines. We work the mines; we dig the wells. We operate the boilers, the generators, and the heating and cooling systems, as well as maintain the buildings and grounds, that help make you comfortable at work and play. Operating Engineers are the first on a construction job and the last off. When it involves a commercial or industrial complex, stationary engineers are there long after the construction is finished, operating, and maintaining the completed facility.

The IUOE is dedicated to serving and protecting the needs and interests of its Members and their families through the collective bargaining process, legislative action and extensive training and skills improvement programs. In continuous operation since the 1800's, the IUOE's dedication to Members is unmatched with its efforts focused on safety and continued employment in a quality work environment where pay and benefits match the skill of IUOE Members. **I am here to express the IUOE's opposition to LD 1497 and would like to take a moment to share our union believes that this bill is dangerous to the industries which we serve as Operating Engineers.**

LD 1497 has many unintended consequences. These bills apply to all digital electronic products. "Digital Electronic Product" is defined as, "a part or machine containing a microprocessor originally manufactured for distribution and sale in the United States." See S. 166 and H. 341, Page 2. With this broad definition in mind, Original Equipment Manufacturers who create the bulldozers, the motor graders, the backhoes, the cranes which we operate are included. These large, heavy and sophisticated systems required refined operations and service as they must maintain a variety of safety sensitive applications in order to keep the Operating Engineer in the drivers' seat safe. Tampering or otherwise altering these systems could be catastrophic to the safety of the Operating Engineer and to those around them.

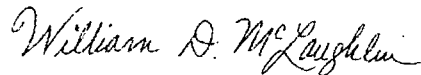
Providing access to embedded code to these large, heavy and sophisticated systems is inapposite of the intent of this legislation which is to provide access to consumer product repair applications. **By giving access to embedded code in this broad context, the safety of Operating Engineers will ultimately be unnecessarily jeopardized.**

In addition to jeopardizing the safety of Operating Engineers, LD 1497 also puts good, Operating Engineer jobs in jeopardy. The prevalence of DIY repairs in our industry and the availability of parts and diagnostic tools "over the counter" is well demonstrated by a recent survey conducted of equipment dealers. The survey data indicates that over 60% of parts stocked by equipment dealers are sold to customers performing their own repairs or to independent repair providers. With this data and information in mind, it is clear that the off-road equipment industry is very different than others which are covered under these broadly drafted bills.

Operating Engineers work in construction equipment dealerships across the United States which rely on parts sales to stay in business. The language defining Fair and Reasonable terms for parts sales is vague and ill advised. If adopted, the parts language alone will severely impact construction equipment dealers and IUOE jobs supported in those dealerships. **Given these onerous and unnecessary terms, the jobs of many Operating Engineers in the State of Maine will be put at risk.**

Thank you for your consideration. I hope that you will not support the advancement of this legislation out of Committee in its current form for these reasons.

Thank you for allowing me to testify today.



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Robert A. Burr  
Business Representative