



January 8, 2024

Dear IDEA Committee Members:

Maine Golf is **OPPOSED** to LD 1815, An Act to Protect Maine's Consumers by Establishing an Abuse of Dominance Right of Action and Requiring Notification of Mergers. The wording is too broad, with no boundaries, and opens the doors for too many lawsuits that will ultimately raise the cost of doing business in Maine if passed as written!

As an organization in existence since 1917 and representing 120 golf clubs from Kittery to Fort Kent, we do not believe that legislating a "person with a dominant position in conduct of any business, trade or commerce, in any labor market or in the furnishing of any service in this State to abuse that dominant position" by threatening civil action is in the best interest of any person in Maine. It is certainly not in the best interest of businesses in Maine.

No only is the bill difficult to process, the legalities are challenging the fundamental principles of business enterprise.

Section 4 does not define "dominant". Section A (1) states that a person's dominant position may be "unilateral power of a person to set prices, terms, conditions or standards and (2) states that the "unilateral power of a person to dictate nonprice contractual terms without compensation".

Every golf course has unilateral power to set prices of products/services; but the customer must pay those prices. Is that dominance?

Section 6 is very concerning. This section is very ambiguous and will likely lead to unnecessary litigation. Antitrust laws protecting competition already exists on both a federal and state level. The terms of "dominance" and "abuse are fatally ambiguous. It appears that the Bill is designed to punish success.

In the golf industry, if a business charges too much or is perceived as overly dominant, then the consumer makes choices with their feet, or buying behavior, and not with their lawyer.

Given the seasonality of Maine, isn't legislation like this making it harder to run a business in Maine rather than easier?

As written, Maine Golf is strongly opposed to LD 1815.

Sincerely,

Brian Bickford, PGA

Executive Director, Maine Golf