



Department of the Secretary of State Bureau of Motor Vehicles

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JOINT STANDING COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

L.D. 1468 “An Act to Establish Standards for Independent Motor Vehicle Repair Facilities in Maine”

Testimony of Shenna Bellows, Secretary of State and
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Senator Curry, Representative Gere, and Members of the Joint Standing Committee on Housing and Economic Development, I am providing testimony in opposition to L.D. 1468, “An Act to Establish Standards for Independent Motor Vehicle Repair Facilities in Maine.”

The Department recognizes that vehicle repairs are essential for ensuring a safe and reliable experience for motorists. Repair businesses offer valuable services to our State, and the citizens of Maine must have trust in this industry.

L.D. 1468 defines several terms relating to the business of motor vehicle repair. The bill also sets standards for “original equipment manufacturer repair facilities,” including equipment and infrastructure requirements and educational requirements for technicians. Original equipment manufacturer repair facilities would be required to register each year with the Department of the Secretary of State, demonstrating compliance with these standards, and the Department would need to make available online a registry of all these registrants. The Department would be further required to conduct random inspections and audits of these facilities, as well as respond to complaints by the public regarding these facilities. Penalties would be assessed for violation of this new law, and the Department would need to establish an appeals process for any assessed penalties. L.D. 1468 would also have the Secretary of State adopt routine technical rules to carry out the purposes of the new law.

As L.D. 1468 has an emergency preamble, it would go into effect immediately upon becoming law.

The Department of the Secretary of State does not currently oversee, regulate, or license independent repair facilities, and it lacks the technical expertise necessary to conduct rulemaking in this area. We are concerned that our current staffing levels and knowledge are insufficient to draft and implement the technical rules required by this bill. Whereas the Department would also be responsible for enforcing these rules, we do not have adequate staff to manage this responsibility for the thousands of potential independent repair facilities in the State of Maine. Additionally, the bill does not specify who would be accountable for any investigations into alleged unfair trade practices that may arise if the statute is enacted. In dealer-related matters now, our detectives would investigate these complaints and present a case to the Attorney General’s Office for prosecution.

To efficiently fulfill the requirements of this bill, the Department would need to increase staffing in our Enforcement Services Division to research this industry, engage stakeholders for discussions, and develop the necessary rules. Moreover, the Department would require substantial additional staff to conduct site visits to ensure compliance with the drafted rules. As mentioned, the Department already licenses and regulates the vehicle dealer and recycler industries and can enforce rules and laws. Without enforcement mechanisms in place, there are concerns that compliance with these rules would be inadequate. The Department would also need additional staffing in our Hearings Division to handle the additional case volume to hear appeals related to industry matters.

Another concern of the bill is the mention of a registry for such independent repair facilities, which is inconsistent with the type of licenses that the Department already issues in other industries it regulates. And if this is like a license, the bill does not address potential fees for the registry process, which would be equitably comparable with other dealer and business licenses the Department already issues and regulates.

For these reasons, we believe the most responsible course of action regarding this bill, as it is currently drafted, is to oppose L.D. 1467. Thank you for the opportunity to provide this testimony. The Department will be present for the work session.