



The Honorable Chip Curry  
Senate Chair  
Joint Innovation Development, Economic Advancement and Business Committee  
3 State House Station,  
Augusta, Maine 04333

The Honorable Tiffany Roberts  
House Chair  
Joint Innovation Development, Economic Advancement and Business Committee  
333 2 State House Station,  
Augusta, Maine 04333

**Re: LD 1487 – Boat Retailers Oppose – Do Not Pass**

Dear Chair Curry, Chair Roberts, and Members of the Joint Committee on Innovation, Development, Economic Advancement and Business: The Maine Marine Trades Association (MMTA), Marine Retailers Association of the Americas (MRAA), and undersigned Maine based small boating businesses write to request that the committee oppose LD 1487 due to the unique safety, compliance, and liability issues presented as currently drafted. We kindly ask the Committee do not pass LD 1487 unless drafted to explicitly exempt off-road vehicles, including marine components and electronics.

The Maine Marine Trades Association represents over 120 business members located throughout Maine who sell, service, provide equipment and repair boats for recreational and commercial purposes.

The Marine Retailers Association of the Americas is the leading trade association of North American small businesses that sell and service new and pre-owned recreational boats and operate marinas, boatyards, and accessory stores. MRAA represents more than 1,300 individual member retail locations and conducts advocacy efforts on their behalf.

Recreational boating and fishing is a major economic driver in the Pine Tree State, with more than 118,000 registered vessels, 3,500 miles of coastline, 2,295 square miles of inland water, and a long history of commercial fishing and lobstering, it is no secret that Maine has a strong on-water culture and heritage. According to the United States Bureau of Economic Analysis Outdoor Recreation Satellite Account, recreational fishing and boating in Maine throughout 2021 resulted in \$406,996,000 in total economic impact. Furthermore, according to data from the National Marine Manufacturers Association supported 14,072 jobs at more than 593 businesses. Unfortunately, as currently drafted, LD 1487 stands to have a detrimental impact on this important economic driver for the state's outdoor recreation economy while simultaneously putting small businesses and Maine boaters at risk.

While we do not question the good intent of this legislation, we have concerns about how the broad language of this bill will negatively affect our members in Maine, the undersigned businesses, as well as Maine boaters. If not amended to exclude boats and marine electronics, LD 1487 will pose serious threats to the marine industry and the consumers that enjoy and depend on our products. Proponents of "Right to Repair" want access to software, specialized tools, mechanical, electrical, safety, and emissions features that are incorporated into marine engines and marine electronic products. Granting consumers such access could result in modifications to

the engine that could run afoul with federal emissions requirements and result in safety protocols being disabled or overridden. Modern day recreational boats feature an array of marine electronics, including Radar to detect objects in low or no visibility conditions, Forward Looking InfraRed (FLIR) systems for night time operation, Sonar to determine depth and bottom structure, Automatic Information System (AIS) to relay vessels position to others, and Global Positioning Systems to aid in navigation and track vessel movements. Improper repair to any of these common marine electronics would compromise safety and ultimately put consumers and all others on the water at risk.

Furthermore, Marine dealers make substantial investments in their Marine Technicians to assure that customers' boats are repaired in accordance to not only manufacturer specifications but to ensure safe and proper operation. These Certified Technicians spend many months training in accredited programs to become experts in the Marine space, giving customers peace of mind and assurance that their vessels are safe and reliable. It is also important to note that the service side of a Marine business oftentimes constitutes a substantial portion of their income, LD 1487 not only stands to potentially compromise the safety of vessels, but also disincentivize Certification and severely limit these small businesses bottom line.

While we do not oppose a consumer's right to make repairs on their equipment, and in fact many of the undersigned businesses will work with their customers to sell the required parts and train them to do simple repairs themselves. We do, however, oppose providing access to the proprietary code to the products our members sell due to concerns with safety, emissions, compliance, product reliability and liability. Providing this level of access to untrained individuals would negatively affect the products' compliance with federal safety, security, and emission standards. Marine manufacturers are required by the U.S. EPA, under 40 CFR 1068.50 to ensure "adjustable parameters" are unable to be tampered with by unauthorized technicians, ensuring engines maintain their safety and emissions protocols. Right to repair legislation must account for federal anti-tampering requirements as well as account for emissions and safety standards.

LD 1487 would not only allow consumers to override federal emissions standards, but it would also provide them the opportunity to override safety protocols programmed into marine engines and electronics. Consumers could potentially make changes to allow engines to start while in gear, or potentially override automatic engine cutoff procedures. Which are triggered to avoid catastrophic failure when an engine is overheating, malfunctioning, engaged in a collision, ultimately for the increased safety of the consumer. These changes would not only put the consumer at increased risk, they would also raise liability concerns for our dealers as many sell "pre-owned" vessels. If a pre-owned vessel had these undocumented changes intact and it resulted in bodily harm to the next owner, the dealer would likely be subject to repercussions that could be detrimental to their small business.

If not carefully drafted, LD 1487 will go beyond giving the public or independent repair shops the ability to repair their marine engines. *It will give them the ability to tamper with emission controls, violate federal emission standards, and ultimately endanger the lives of themselves and others on the water.*

For those reasons and more, we ask the committee to vote against this bill, or exclude off road vehicles including marine components and electronics. If you have questions, please contact Stacey Keefer at [stacey@mainemarinetrades.com](mailto:stacey@mainemarinetrades.com) (207) 773-8725 or Chad Tokowicz at [Chad@mraa.com](mailto:Chad@mraa.com) or (978) 569-5127.

Sincerely,



Stacey Keefer  
Executive Director  
Maine Marine Trades Association



Chad Tokowicz  
Government Relations Manager  
Marine Retailers Association of the Americas

With Additional Support From

JB Turner  
President  
Front Street Shipyard  
Belfast, ME

Steve Arnold  
Owner  
Marina Holdings LLC  
Yarmouth and Naples, ME

Kurt Gagnon  
Sole Member  
Gagnon Boats & Motors LLC  
Livermore Falls, ME

Rob Soucy  
President  
Port Harbor Marine  
South Portland, Raymond, Rockport, Holden and Kittery, ME

Sean O'Malley  
General Manager  
DiMillo's Yacht Sales and Marinas  
Portland, Freeport, Kittery, and Kennebunk, ME

Rob Brown  
Owner/ General Manager  
Clark Marine  
Manchester, ME