

Monday, April 3, 2023

Senator Mike Tipping, Chair  
Representative Amy Roeder, Chair  
Members of the Labor and Housing Committee

**RE: Testimony in OPPOSITION to LD 1487 (SP 608),**

Dear Senator Curry, Representative Roberts and members of the Innovation, Development, Economic Advancement and Business:

My name is Timothy Wentz, I am the Field Director of the Northeast Equipment Dealers Association. The Northeast Equipment Dealers Association (NEDA) represents over 350 agricultural, industrial, rental, and outdoor power equipment dealer locations in Vermont, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Connecticut. On behalf of our members, I am writing to you in opposition to LD 1487 and would like to share just a few of the reasons why I strongly believe that such legislation is wrong for our industry, dealers, and their customers whom include homeowners, Agricultural producers, Foresters, Contractors, Landscape and Nurserymen, Schools, State and Municipalities.

First off, I want to make it clear that our association and our member dealers fully support a customer's or independent repair provider's ability to repair equipment and the ability purchase parts, diagnostic equipment, software, and tools which may be the same or similar to what a dealer might purchase for use by their factory trained technicians. **What we cannot support is the right to modify or otherwise circumvent emissions and safety systems, operational/design parameters!**

LD 1487 is unnecessary within the equipment industry and would likely result in numerous and significant unintended consequences to the equipment dealers, the industry, and the customers they serve. Parts and tools are already available for purchase by customers and independent repair shops willing to invest. Dealers often tell me independent repair shops rank in their top five parts customers.

Dealers invest hundreds of thousands of dollars in specialized tools, training and professional development, facilities, trucks, etc. not to include millions of dollars in parts inventories, and "loaner" equipment. They are fully invested in maximizing their customers' up-time.

It is unrealistic to think that the ability to modify equipment will extend equipment life or lower repair and operating costs of off-road equipment. Rather, it is much more likely that we would see emissions and safety systems defeated, equipment failing prematurely, and higher repair/maintenance costs because equipment is operated outside of engineering design. I'd point to the number of EPA fines levied against third party manufacturers and independent repair organizations in the auto, motorcycle, heavy and light truck markets related to emissions defeat devices as an example. I'd also point to the numerous "How-to" videos demonstrating automobile odometer "resets", engine modification, sensor deletion, etc. such modifications simply aren't in the public's best. We've been there done that! Stable and predictable used equipment values are critical to our dealers, their customers, and the banks/financial institutions servicing them. Unfortunately, the same technology enabling enhanced productivity and efficiencies has also made it more difficult to determine if equipment has been modified resulting in excessive wear and/or premature failure. Reasonable business practice dictates that used equipment values will suffer should "modification" become the norm – simply put, the

“market” will demand that an increased risk of premature failure and liability will require a corresponding value adjustment.

Unfortunately, accidents resulting from the operation (or modification) of off-road equipment can easily result in the death or dismemberment of the operator, co-workers, service technicians, or by-standers. Safety is an important issue for our dealers, their employees, the manufacturers they represent, and their insurance carriers. No one wins when someone is injured, or worse yet killed, in an equipment accident. I would point to operator deaths resulting from the removal/modification of roll-over-protection (ROPS) as just one example of an unintended consequence resulting from a “well-meaning modification”.

Unlike on-road vehicles, there are no inspection requirements for off-road equipment which might discover emissions systems defeat devices, chipping and/or tuning devices (often seen as an economic way to increase horsepower and or lower fuel consumption), disabled safety systems, etc. Please understand that our member dealers and the equipment industry endeavor to be good stewards of the environment and value the safety of their employees and those who operate the equipment they sell and service. Rest assured; dealers are fully vested in their customers’ success – their success is dependent on it!

In conclusion, within the off-road industry, we support the right and the ability to repair, it is already standard practice. If enacted without an exemption for off-road equipment LD 1487 would have an immediate chilling effect on Maine’s equipment dealerships and the farmers, contractors, and businesses they support. On behalf of our member dealers, we strongly urge the committee to unanimously vote either to exempt off-road equipment or that LD 1487 Ought Not to Pass.

We would look forward to you and your colleagues visiting one of our member dealerships, view the tools in action, examine their parts inventories, and rental/loaner units, visit with staff, etc. and the opportunity to engage in an open discussion and explore the repair issue as it relates to the equipment industry.

Thank you for the opportunity to share our thoughts.

Most respectfully yours,  
Timothy Wentz

Northeast Equipment Dealers Association, Inc.

