

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 364

S.P. 144

In Senate, February 12, 2013

**An Act To Amend the Laws Regulating Suppliers of Agricultural,
Construction, Industrial and Forestry Equipment**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative HARVELL of Farmington and
Senators: BURNS of Washington, LANGLEY of Hancock, MASON of Androscoggin,
PLUMMER of Cumberland, THOMAS of Somerset, YOUNGBLOOD of Penobscot,
Representatives: DUNPHY of Embden, MORRISON of South Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §1293-A**, as enacted by PL 2011, c. 236, §16 and affected by
3 §18, is amended to read:

4 **§1293-A. Prohibited acts**

5 A supplier may not:

6 **1. Coercion involving deliveries and orders.** Mandate, coerce or attempt to coerce
7 any dealer to order or accept delivery of equipment or repair parts not required by law
8 that have not been voluntarily ordered by the dealer, unless the equipment or repair parts
9 are comprised of safety features required by the supplier;

10 **2. Interference in dealer's business.** Require any dealer to refrain from
11 participation in the management or acquisition of, or investment in, any other business; ~~or~~

12 **3. Coercion involving sale of equipment.** Prevent, coerce or attempt to coerce a
13 dealer from having an investment in or holding a dealership contract for the sale of
14 competing product lines or makes of equipment or require the dealer to provide separate
15 facilities for competing product lines or makes of equipment; ~~or~~

16 **4. Recover costs for reimbursement.** If the supplier has reimbursed a dealer for
17 equipment, repair parts or labor to avoid a violation of this section, recover the supplier's
18 costs of that reimbursement.

19 **SUMMARY**

20 Current law prohibits a supplier of farm, forestry, construction, utility or industrial
21 equipment from coercing a dealer to order or accept deliveries of equipment or repair
22 parts or from interfering in a dealer's business. This bill provides that, when a supplier
23 reimburses a dealer for equipment, repair parts or labor because of the prohibition on
24 coercion and interference, the supplier is prohibited from recovering the supplier's costs
25 of that reimbursement.