



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1217

H.P. 862

House of Representatives, March 26, 2013

An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JONES of Freedom.

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

2 **Sec. 1. 10 MRSA §1244, sub-§1**, as enacted by PL 1997, c. 473, §3, is amended
3 to read:

4 **1. Notification.** If a manufacturer seeks to enter into a franchise establishing an
5 additional new personal sports mobile dealership or relocating an existing new personal
6 sports mobile dealership, within or into a relevant market area where the same line make
7 is already represented, the manufacturer shall, in writing, first notify each new personal
8 sports mobile dealer in the line make in the relevant market area of the intention to
9 establish an additional dealership or to relocate an existing dealership within or into that
10 market area. The relevant market area is a radius of 15 miles around an existing
11 dealership in ~~the following cities:~~ Augusta, Auburn, Bangor, Biddeford, Brewer,
12 Falmouth, Lewiston, Portland, Saco, South Portland, Waterville and Westbrook and
13 municipalities that are contiguous to these cities. The relevant market area is a radius of
14 30 miles around all other existing dealerships, except that the relevant market area is a
15 radius of 15 miles around an existing dealership with respect to a manufacturer seeking to
16 establish a new dealership or relocate a dealership that does not sell all the same products
17 as the existing dealership.

18 If a manufacturer seeks to add a line make to a dealership the manufacturer has an
19 agreement with and the dealership was in business as of January 1, 1997, the additional
20 line make is not subject to the distribution restrictions under this section.

21 Within 30 days of receiving the notice or within 30 days after the end of any appeal
22 procedure provided by the manufacturer, any such new personal sports mobile dealership
23 may file a complaint in the Superior Court of the county in which the dealership is
24 located, protesting the establishment or relocation of the proposed new personal sports
25 mobile dealership. When such a complaint is filed, the manufacturer may not establish or
26 relocate the proposed new personal sports mobile dealership until a hearing has been held
27 on the merits, nor thereafter if the court determines that there is good cause for not
28 permitting the proposed new personal sports mobile dealership.

29 **SUMMARY**

30 This bill exempts from the 30-mile radius requirement in current law that applies in
31 most municipalities with respect to adding a new personal sports mobile dealership near
32 an existing dealership the addition of a new personal sports mobile dealership or the
33 relocation of an existing new personal sports mobile dealership when there are no
34 existing dealerships selling all the same products within 15 miles around the new
35 dealership to be added.