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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 608, L.D. 1487, “An Act to Ensure That Residents of the State Have the Right to Repair Their Own Electronic Devices”

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 by inserting after paragraph A the following:

'B. "Authorized 3rd-party provider" means a person that is unaffiliated with an original equipment manufacturer and that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the person a license to use a trade name to distribute documentation, parts or tools under the name of or on behalf of the original equipment manufacturer.'

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph C in the 2nd line (page 2, line 2 in amendment) by striking out the following: "for personal, household, family or home office use"

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph C in subparagraph (2) in the first line (page 2, line 9 in amendment) by inserting after the following: "intended" the following: 'primarily'

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph C in subparagraph (4) in the first line (page 2, line 13 in amendment) by striking out the following: "found" and inserting the following: 'intended primarily for use'

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph C in subparagraph (8) in the first line (page 2, line 38 in amendment) by striking out the following: "Home security" and inserting the following: 'Security or life safety systems or'

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph D in the 2nd line (page 3, line 2 in amendment) by inserting after the following: "description" the following: ',' circuit schematic'

Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph O in the 4th line (page 4, line 22 in amendment) by striking out the following: "may allow" and inserting the following: 'facilitate'

SENATE AMENDMENT

1 Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 in paragraph
2 Q in the 2nd line (page 4, line 29 in amendment) by inserting after the following:
3 "apparatus," the following: 'including any updates,'

4 Amend the amendment in section 1 in c. 234 in §1500-O in subsection 1 by relettering
5 the paragraphs to read alphabetically.

6 Amend the amendment in section 1 in c. 234 in §1500-O in subsection 2 by striking
7 out all of the first blocked paragraph (page 5, lines 4 to 8 in amendment) and inserting the
8 following:

9 'An original equipment manufacturer that does not have access to documentation, parts or
10 tools and does not offer services of diagnosis, maintenance or repair of particular digital
11 electronic equipment is not required to produce documentation, parts or tools for that
12 particular equipment.'

13 Amend the amendment in section 1 in c. 234 in §1500-O in subsection 3 in paragraph
14 A by striking out all of subparagraph (2) and inserting the following:

15 '(2) Divulge any trade secret except as necessary to perform diagnosis,
16 maintenance or repair.'

17 Amend the amendment in section 1 in c. 234 in §1500-O in subsection 3 in paragraph
18 A in subparagraph (5) in the 2nd line (page 5, line 33 in amendment) by striking out the
19 following: "law" and inserting the following: 'state law, rule'

20 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
21 section number to read consecutively.

22 SUMMARY

23 This amendment amends Committee Amendment "A" to make the following changes.

24 1. It provides a definition of "authorized 3rd-party provider" and amends the
25 definitions of "digital electronic equipment," "documentation," "part" and "tool."

26 2. It specifies that the requirements of the right to repair provisions do not require an
27 original equipment manufacturer that does not have access to documentation, parts or tools
28 and does not offer services of diagnosis, maintenance or repair of particular digital
29 electronic equipment to produce documentation, parts or tools for that particular
30 equipment.

31 3. It limits the exclusion from having to provide trade secrets to those trade secrets that
32 are not necessary to perform diagnosis, maintenance or repair.

33 **SPONSORED BY:** _____

34 **(Senator TIPPING, M.)**

35 **COUNTY: Penobscot**