

April 16, 2023

Sen. Chip Curry, Senate Chair
Rep. Tiffany Roberts, House Chair
Maine Joint Standing Committee on Innovation, Development, Economic Advancement and Business
Maine State House
August, Maine 04330

Re: **CTA Opposition to L.D. 1487**

Chair Curry and Chair Roberts, and Joint Committee Members:

On behalf of the Consumer Technology Association (CTA), we are writing in opposition to L.D. 1487.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands – helping to support more than 18 million American jobs. Our membership is mostly small businesses and startups, but also includes some of the world's best-known manufacturer and retail brands.

CTA stands ready to work with repair advocates to establish a national Memorandum of Understanding (MOU) to facilitate repair nationally consistent with the recently enacted New York repair law. Enactment of varying state repair laws with different requirements and definitions subject to differing interpretations by state courts and regulators is a major concern for our industry.

Beyond that overall concern, the specific provisions of L.D. 1487 raise numerous issues for our industry, including those summarized below.

1. **The definition of “Authorized Repair Provider” encroaches into manufacturing operations.**

CTA's national MOU offer includes (as does the NY law) parity between the provision of spare parts, tools, and documentation for independent repair providers and product owners (both external entities) equivalent to external authorized repair providers. Unfortunately, the definition in L.D. 1487 equates internal manufacturer repair with these external activities which goes well beyond opening up the repair market.

- Many manufacturers integrate internal repair operations with new product development, R&D, and management of the manufacturing supply chain. Parts used internally are typically not designed with documentation or packaging or other distribution requirements outside these internal manufacturer operations.
- If OEM-internal repairs are equated with external authorized repairs, many manufacturers doing post-warranty repairs will just stop doing such work because of risks and extra costs associated with turning internal activities into external-facing operations. This would be an

unfortunate outcome and would inadvertently reduce repair activities and increase the generation of e-waste.

2. **Implications of jail-break provisions.** Forcing manufacturers to create back-door keys to consumer devices and to make those keys available to anyone claiming to be a device owner or independent repair provider is a bad idea. This undermines state and federal fencing laws, among other problems. Security lock openings need to be in the hands of the product users to access their device.
3. **Retroactive laws are rarely constitutional.** As currently written manufacturers would have to comply with these provisions for any product they have already produced in the past – specifically the provisions would apply to any digital electronic equipment “sold or used” in the state, which is effectively a retroactive law. New York addressed this by specifying a date in the future for which products first entering the market would be subject to these new requirements.
4. **Breadth of products covered.** CTA represents technology producers and retailers in the consumer market, and as noted we continue to offer a national MOU for consumer digital electronic products, but these provisions would cover every product with digital components regardless of the market – business to business, business to government, and industrial users. L.D. 1487 should be limited to the consumer market.

CTA has additional issues where language is not clear or is incomplete to avoid undermining key security and safety provisions associated with digital electronic devices. CTA recommends the joint committee not pass this legislation.

Thank you again for the opportunity for us to testify.

Sincerely,



Walter Alcorn
Consumer Technology Association
VP, Environmental Affairs