

**Testimony of Ashley Luszczki**  
**On Behalf of the Maine State Chamber of Commerce**  
**In Opposition to L.D. 1716, *An Act to Establish a Repairability Index for Consumer Electronic Products***  
**Before the Committee on**  
**Innovation, Development, Economic Advancement and Business**  
**January 9, 2024**

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

My name is Ashley Luszczki, I reside in Rome, and I represent the Maine State Chamber of Commerce, a statewide organization consisting of more than 5,000 small and large businesses across the state. The Chamber has several concerns with L.D. 1716, *An Act to Establish a Repairability Index for Consumer Electronic Products*, and is submitting testimony in opposition to the legislation.

The Chamber supports policies that promote competition in the marketplace as they incentivize businesses to create higher quality products and greater options for consumers. To ensure the greatest level of compliance and feasibility, the business community needs laws that are consistent across the country and globe. For the following reasons, we believe this legislation would lead to unfair competition and make Maine an outlier.

First, the repairability index this legislation would create is based on subjective criteria; it does not take into consideration the complexities of manufacturing these products and their individual parts.

This is of concern as a product of higher quality could receive a less favorable repair rating simply because spare parts aren't sold within the state. Meanwhile, a product that needs more frequent repairs and has a shorter lifespan may receive a higher rating due to the availability of replacement parts being sold at a local retailer. We feel this could lead to less competition and have a negative impact on the consumer.

Another criterion of repairability in L.D. 1716 is based on a producer's commitment to make technical documents available free of charge to independent repairers and

consumers. In this case, a products repairability score would be impacted not on the actual repairability, but based on whether proprietary business information is made freely available. Some products require skilled technicians for repairs. By providing this information to everyone, if not repaired properly, it could have an impact on a product's reputation if/when further issues arise. The Chamber is also concerned that if a manufacturer shares sensitive security information to receive a better repairability rating, it could negatively impact the consumer. At a time when data privacy is of utmost importance, please consider the potential ramifications that may come as a result of allowing anyone who isn't certified or trained to repair a consumer's product.

As previously mentioned, we believe this legislation makes Maine an outlier as Section 3 proposes to require a specific label with the products repairability score. The design, printing, and actual labeling of manufactured products is, in many cases, a lengthy process. We would be the first state to require this; it may lead to more hassle than benefit for our members and create confusion among consumers. To attract businesses to the state, we need laws that are consistent with other states. L.D 1716 would add a challenging level of feasibility and compliance for those looking to have products in Maine's marketplace.

Finally, it's important to note that this legislation doesn't just impact the handful of products identified as a "consumer electronic product". For example, a cellular telephone may not be manufactured by a medical device manufacturer, but may be used as part of a federally approved device for remote patient monitoring. Remote patient monitoring is becoming more widely used, especially in Maine, and this legislation could have a negative indirect effect on an individual's ability to continue using that form of healthcare.

To ensure the greatest competition, compliance, and feasibility, the Chamber feels if there is going to be a "right to repair" policy, conversations and decision making should be done at the federal level. Therefore, we encourage the committee to vote "Ought Not to Pass" on L.D. 1716.