



PORTLAND
Regional Chamber of Commerce

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Testimony in Opposition to LD 1815-An Act to Protect Maine’s Consumers by Establishing an Abuse of Dominance Right of Action and Requiring Notification of Mergers

Joint Standing Committee on Innovation, Development, Economic Advancement and Business
January 9, 2024

Senator Curry, Representative Roberts and members of the IDEA Committee,

My name is Quincy Hentzel, President and CEO of the Portland Regional Chamber of Commerce. We represent 1,300 businesses in our region who employ over 65,000 Mainers. We are submitting this written testimony today to express our organization's strong opposition to LD 1815. This legislation would upend US antitrust law in the state of Maine by adopting an aggressive European model that would do much more harm than good. It is unclear what problem this proposal deems to address and will undoubtedly have devastating impacts on our small businesses across the state. Specifically, Section 6 of this legislation, containing language introduced in a few states but passed in none, poses a significant threat to Maine’s efforts to compete in the 21st century economy. These provisions needlessly expose innovative businesses to litigation risk, hindering their ability to create new markets where Maine-based companies can be leaders in the global economy.

Maine has achieved remarkable success in meeting or exceeding the goals in the 2020-2029 Economic Development Strategy. As recently confirmed by the U.S. Bureau of Economic Analysis, Maine has experienced the fastest economic growth of any state in New England. Our goals of increasing real average annual wages by 10% and the value of what we sell per worker by 10% by 2030 have already been surpassed. While the goal of adding 75,000 workers to our workforce by 2030 has not yet been met, we have made substantial progress, adding a net of 13,400 workers by the end of 2022. However, Strategy C of this plan, setting goals around the promotion of innovation, remains a weak point in our progress, and the advancement of the vague and novel approach to antitrust law represented by LD 1815 threatens further setbacks.

Maine boasts innovative startups at the frontier of global industries including forest products, renewable energy, and veterinary sciences. Maine is also incredibly fortunate to be home to the Roux Institute which is designed to spur innovation, build talent and drive economic growth across the state. Unfortunately, the future success of this institution, its students and our critical industries are at risk if LD 1815 advances. The legislation exposes those businesses to endless legal challenges from competitors, due to undefined terms, with crucial definitions left to routine technical rulemaking. It is not at all clear what terms like “relevant market” and “unilateral power” mean in this context and attaching a private right of action to this vague language will undoubtedly invite litigation from competitors to Maine-based companies simply for offering lower prices or innovative goods and services.



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Startups thrive when they can identify and serve untapped markets, yet the language of LD 1815 makes them immediately vulnerable to being sued under the market dominance provisions of this bill as soon as they launch a good or service to meet a new market need. Startups are rewarded in capital raises when investors see a clear path to first-mover dominance following a disruption or change to an existing market. However, those investments in Maine-based companies are at risk should this bill advance.

We have much work to do to achieve our statewide goal to ensure that R&D expenses meet or exceed 3% of our GDP by 2030. Private industry, higher education, non-profits and all levels of government are working closely to complete this work. Please do not endanger the tremendous potential of those efforts by advancing this legislation.

We thank you for your time and commitment to all Mainers, and we ask you vote “Ought Not to Pass” on this legislation.