

RE: Written Testimony and Objection to LD 442: An Act to Amend the Automotive Repair Statute

Dear Honorable Members of the Committee,

The Auto Care Association respectfully opposes LD 442. The Auto Care Association is a national trade organization comprised of more than 3000-member companies and affiliates that manufacture, distribute, and sell aftermarket motor vehicle parts, accessories, services, tools, equipment, materials, and supplies. The Auto Care Association is the voice of the auto care industry – a \$516 billion plus industry comprised of more than 4.7 million American professionals. In Maine, our industry includes 8,361 jobs, generates \$2.9 billion in economic activity, and provides \$581.7 million in wages.

LD 442 is unnecessary and if passed would threaten the will of 84% of the voters in Maine who supported the right to repair ballot question in 2023 (the “2023 Right to Repair Law”).

Maine’s efforts thus far to implement the resoundingly popular vehicle right to repair law have been a model of hard work and industry collaboration. During its Second Regular Session, the 131st Legislature enacted LD 2289, Resolve, to Establish an Automotive Right to Repair Working Group. The Attorney General established the Working Group comprised of experts across the industry. The Working Group met for the first time in August 2024 and then met 9 additional times after that initial meeting. After hours of meetings and discussion amongst industry stakeholders, the Working Group submitted a detailed report on February 24, 2025, to the Joint Standing Committee on Housing and Economic Development (“Report”).

The Report set forth multiple unanimous conclusions regarding the independent entity charged with implementing the law. As part of that collaboration, the Working Group drafted and submitted proposed amendments to the 2023 Right to Repair Law (the “Working Group Amendment”) to give further clarity around what will be known as the Motor Vehicle Right to Repair Commission (“Commission”). Importantly, the Commission will be charged with monitoring and assessing compliance with the law, informally resolving complaints arising out of the law, and providing the Attorney General with technical expertise as needed. The Commission was visualized by industry experts on both sides of the issue who understand the issue and what it will take to implement the law. The Legislature should respect and defer to that collaborative expertise.

The Commission, not the Legislature, should recommend changes to the 2023 Right to Repair Law.

The Committee should reject LD 442 in favor of the Working Group Amendment as the amendment establishes a process for implementation of the 2023 Right to Repair Law that is in the best interest of Maine.

The Commission, as established in the Working Group Amendment, will be comprised of experts across the industry appointed by the Governor. These experts will be well-versed in repairing and maintaining vehicles and are best suited to make recommendations as to the implementation of the 2023 Right to Repair Law.

The Commission will have 3 main roles:

- a. Monitor and assess implementation of and motor vehicle manufacturers' compliance with this section;
- b. Attempt to informally resolve any complaints from owners and independent repair facilities alleging a manufacturer's non-compliance with this section, and, if a complaint cannot be resolved, considering whether to refer the matter to the Attorney General for enforcement action; and
- c. Designate one or more technical experts with whom the Attorney General may consult in assessing enforcement referrals and maintaining enforcement actions.

The experts on the Commission will have the opportunity to discuss and collaborate on best practices and solutions regarding the 2023 Right to Repair Law, ensuring the best possible results for vehicle owners in Maine. The legislative process, due to the myriads of different issues before it, is not as well suited to solution building in a technical arena.

Importantly, the Working Group Amendment specifically provides that the Commission will submit an annual report to the appropriate joint standing committee of the Legislature, the Governor, and the Attorney General

...describing the commission's activities during the preceding year, identifying any implementation or compliance issues that it encountered, and recommending any amendments to the statute, including amendments providing the entity with additional authority, to address any implementation or compliance issues.

This language establishes a process by which any further changes to the 2023 Right to Repair Law can be identified by the experts on the Commission and presented to the governing bodies in a thoughtful and methodical way.

Last, the Working Group specifically recommended "including at least one member representing a heavy-duty vehicle manufacturer and at least one member who is an owner or operator of an independent repair facility specializing in heavy duty vehicles" on the Commission. With this recommendation, the Commission will be equipped to discuss heavy duty and commercial vehicles.

LD 442 is detrimental to the 2023 Right to Repair Law.

This bill is the most transparent of the 5 bills filed as to the sponsors' intent – repeal all references to right to repair in Maine. The bill removes:

- The portion of the 2023 Right to Repair law relating to telematics and consumers' wireless access to repair data on their vehicle; and
- The definition of telematics; and

- The language that statutorily provides any other Right-to-Repair; and
- The telematics notice because under this bill the obligation never existed.

This bill substitutes the will of the manufacturers for the will of 84% of Maine voters and an industry that contributes \$2.9B in economic activity in the State. It should be self-evident as to why that is a not a choice this Committee should make.

Conclusion

In conclusion, we respectfully request that the Committee vote no on LD 442. At most, the Committee should pass the Working Group Amendment and let the experts on the Commission do their work to ensure that vehicle owners in Maine have access to repair facilities of their choice.

Sincerely,

Lisa Foshee

Lisa Foshee

SVP – Government Affairs and General Counsel