

**RE: Written Testimony and Objection to LD 1394: An Act to Support Maine's Electric Vehicle Adoption Goals by Providing an Exclusion for Electric Vehicles from Certain Requirements of the Right to Repair Law**

Dear Honorable Members of the Committee,

The Auto Care Association respectfully opposes LD 1394. 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 1394 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 1394 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 1394 is detrimental to the 2023 Right to Repair Law.**

Even if the Committee does not act on the Working Group Amendment, we respectfully request that the Committee vote no on LD 1394. The entire bill is problematic.

Most importantly, a Tesla representative was on the Attorney General's Right-to-Repair Working group. Throughout the months of meetings, he never suggested that EVs should be exempt from the law

simply because they are purely electric, or a plug-in hybrid as defined by this bill. In fact, Tesla already has an existing program to allow repair called “Tesla Toolbox”. It sells a proprietary scan tool with annual subscriptions reported to cost around \$3,000. In addition, Tesla offers shorter term subscriptions in certain situations.

In fact, no member of the Working Group suggested that EVs should be removed. Even the proponents of this bill, who attended and spoke at both public hearings of the working group, raised EVs as an issue.

The fact that no one raised exempting EVs from the 2023 Right to Repair law during the ballot process or during the Working Group is not surprising as such vehicles, while powered by batteries instead of combustion engines, still need to be repaired. And certainly, there is no evidence to think that limited repair options (e.g. only dealerships) will increase EV adoption in the state of Maine. There is not a shred of evidence to support the theory that making your vehicle harder to repair would be a selling point to a consumer or a fleet owner.

Also, changing the definition of telematics systems will further limit the effectiveness of the 2023 Right to Repair law. The definition does not need specific examples. Telematics defined in the passed ballot initiative is defined as strictly mechanical information transmitted wirelessly from the vehicle to the manufacturer’s cloud and is limited to data to “diagnose, maintain, and repair the vehicle. Including examples runs the risk of incorrectly narrowing the definition and rendering it out of date as telematics services expand.

This so-called effort to increase EV and plug-in hybrid adoption in Maine does nothing of the sort. Instead, it is one of 5 bills introduced by the same sponsors aimed at removing a vehicle owner’s right to choose a repair shop of their choice.

### **Conclusion**

In conclusion, we respectfully request that the Committee vote no on LD 1394. 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