

Chairs Curry and Gere, Author Tipping, and Committee members—
I am Mark Ourada, Director of Government Affairs for the National Electrical
Manufacturers Association (NEMA).

NEMA represents the interests of over 300 leading manufacturers in the *Electroindustry*.
In Maine, this means over 3,000 jobs with labor income exceeding \$264 million.

A major part of NEMA's work is to provide policy leadership and market intelligence—
along with setting standards—for the safe, efficient, and innovative electrical products
that are making the future electric.

Today, with software (i.e., firmware) imbedded in so many products this legislation pits
the intellectual property that NEMA member companies develop at risk.

Protecting proprietary intellectual property is a priority for OEMs. Companies spend
multiple years and significant amounts of money and labor to innovate, develop and
manufacture products.

Importantly, the current language requires disclosure of trade secrets “as necessary to
perform diagnosis, maintenance or repair on fair and reasonable terms.” This would
force OEMs to expose firmware IP for repair activities, which could be significant and
potentially damaging to their businesses.

**NEMA would strongly encourage you to remove this language, 1500-Z 3.A (2), as
this change would protect trade secrets in every instance and not create exceptions.**

This issue is currently before the United States Court of Appeals for the District of
Columbia Circuit.

NEMA has many companies that manufacture lighting components. LD1908 does not
specifically address this area.

Right to repair electronics laws are very clearly intended for consumer personal
electronics, such as phones, tablets, etc. Because there are so many different terms
used along with many definitions—including the extremely general 'digital electronic
equipment'—the language in LD1908 is so broad, we believe this legislation
unintentionally puts consumer products, like smart light bulbs and lighting equipment,
within its scope.

There is strong precedent set by the National Electrical Code (NEC) against repairability
of lighting products. “Reconditioned luminaires, lamp holders, ballasts, LED drivers,
lamps, and retrofit kits— shall not be permitted.”

We believe that all lighting products should be exempted especially products the
manufacturer had not intended to be repairable.

**This issue can be easily remedied by inserting **and light bulbs, lighting equipment, and
systems in section 4(D)** where various electrical gear is addressed.**

While not the specifically stated purpose this legislation seems to be aimed at products “relating to consumer” protection for individual consumers. If so, it would be extremely helpful, and appropriate, to be clear that this legislation is not intended to effect ‘business to business’ or ‘business to government’ transactions.

This could be addressed by amending 1500-Z specifying this legislation does not apply to B2B or B2G transactions.

As a former legislator, I clearly understand the challenges you face in balancing various interests and avoiding unintended consequences, so I thank you very much for your time and attention. Our members take these issues very seriously, and as a regular course of business have taken, and continue to take steps to ensure consumers have both options, *and* qualified individuals to repair their products.

NEMA is committed to working with you to ensure consumers have access to repairs and assure that their privacy, safety and security are protected. For the reasons outlined in this testimony, NEMA is in opposition to LD1908 in its current form and encourages the committee to take a careful look at the suggestions we have made to amend language.

Thank you for your time and attention.