

Testimony of Ashley Luszczki

Committee on Housing & Economic Development

L.D. 1908, An Act to Require the Cooperation of Original Manufacturers of Electronic Devices to Facilitate the Repair of Those Devices by Device Owners and Independent

Repair Providers

January 14, 2026

Senator Curry, Representative Geer, and members of the Committee on Housing and Economic Development, my name is Ashley Luszczki, and I am providing testimony on behalf of the Maine State Chamber of Commerce, the state's largest business association. The Chamber supports innovation, economic competitiveness, and a regulatory environment that allows businesses to thrive. As drafted, we have significant concerns with L.D. 1908, *An Act to Require the Cooperation of Original Manufacturers of Electronic Devices to Facilitate the Repair of Those Devices by Device Owners and Independent Repair Providers*.

Before getting into our concerns, we do want to acknowledge and thank the sponsor for the exemptions included in this legislation, including the recommendation to exempt original equipment manufacturers (OEMs) that lease equipment, provided they are willing to repair or replace it at no cost to the consumer. These exemptions underscore an important reality: electronic repair policy is complex. While we recognize the goal of expanding access and flexibility for consumers and independent repair providers, the Chamber remains concerned that L.D. 1908 would make Maine an outlier, weaken protections for manufacturers' proprietary information and consumer data, and expose businesses to unnecessary litigation.

Absent a national standard, the Chamber is particularly concerned about the growing patchwork of state-level electronic repair laws and the compliance challenges they create for manufacturers and third parties operating across multiple states. While not every state electronic right-to-repair law is identical, a handful of states have adopted shared language. We request that the Committee amend this legislation to promote regulatory consistency, which will benefit consumers and businesses who operate in multiple jurisdictions. Specifically, we recommend adding the following language under Section 1500-Z, subsection 3:

“Nothing in this section shall apply if the original equipment manufacturer provides equivalent or better, readily available replacement equipment at no charge to the customer.”

This language is consistent with laws enacted in California, Connecticut, Minnesota, and Washington. Furthermore, we believe it aligns with the core intent behind right-to-repair, which is to empower consumer choice and access to remedies.

The bill also raises serious concerns regarding the protection of proprietary information. Section 1500-Z, subsection 1, requires OEMs of digital electronic equipment to make available, on “fair and reasonable terms,” to any independent repair provider or device owner documentation, parts, or tools required for diagnosis, maintenance, or repair. Elsewhere, in subsection 3, it states that an OEM is not required to divulge trade secrets, except as necessary to perform diagnosis, maintenance, or repair on fair and reasonable terms.

From a business perspective, these provisions are in direct tension with one another and create significant ambiguity. Manufacturers make substantial investments in research, development, and design, and proprietary documentation and specialized tools are often central to their competitive advantage. Policies that blur the boundaries around trade secret protections, as we believe L.D. 1908 does, risk discouraging innovation and investment in Maine.

In addition, the Chamber is concerned about consumer data security. Many electronic devices store sensitive personal and financial information, and broader access to diagnostic software and tools could increase cybersecurity risk if not carefully limited.

Finally, the Chamber does not support the creation of a private right of action in this bill. Allowing violations of this law to be enforced through private litigation under the Maine Unfair Trade Practices Act would create unnecessary legal risk and uncertainty for businesses, diverting resources away from investment, workforce development, and innovation, and ultimately undermining Maine’s economic competitiveness. We believe Attorney General enforcement would be a much better approach.

It is worth noting that a few states, including Connecticut, have passed laws since this committee dealt with a prior right-to-repair law during the 131st Legislature, LD 1487. While we do not believe L.D. 1908 strikes the right balance as drafted, the Maine State Chamber remains open to working with the Committee on targeted amendments that promote consistency with other states, protect proprietary business and sensitive consumer information, and avoid unnecessary litigation risk. We appreciate the Committee’s consideration.