

April 18th, 2023

Senator Chip Curry, Senate Chair
Representative Tiffany Roberts, House Chair
Joint Standing Committee on Innovation, Development, Economic Advancement, and Business
100 State House Station
Augusta, Maine 04333

RE: MSCC Testimony in OPPOSITION to L.D. 1487: An Act to Ensure That Residents of the State Have the Right to Repair Their Own Electronic Devices

Senator Curry, Representative Roberts, and members of the committee on Innovation, Development, Economic Advancement, and Business:

My name is Ben Lucas, I live in Portland, and I represent the Maine State Chamber of Commerce, a statewide business organization consisting of a network of more than 5,000 small and large employers across Maine. The Maine State Chamber of Commerce is submitting testimony in opposition to L.D. 1487.

We have several concerns with the proposed legislation. The first being that if passed, L.D. 1487 would be another new law that would continue to make Maine an outlier with most of the country. Policy conversations around digital right to repair have been increasing over the last few years, but so far only one other state has passed a digital right to repair – and that was New York. Several other states have considered this policy conversation, but those efforts ended up not passing. Anytime we have a first in the nation type approach to policy or are considering passing something that isolates us from other states, it is of significant concern to the business community. We need investment in our economy to grow and create new jobs. We are in a very competitive market for investment and attracting new business to Maine, and when you have a potential new law that is very problematic, companies may look elsewhere. L.D 1487 is bad for Maine business and bad for our economy.

Secondly, our members and the business community in Maine manufacture some incredible products and know how to repair them as part of the authorized repair provider network. These products are highly complex, technical, and in some cases unique. The workers who assemble them are highly qualified and skilled, and in a lot of cases they contain very sensitive and confidential business information. This is not information that should be allowed to be shared with third parties or independent repair providers. Additionally, if there is a problem and it needs to be repaired, it should be done so by the experts and people who have the qualifications

and experience. Some products must undergo various permitting and regulatory requirements – and it is in the best interest of the consumers to make sure they know if they have a problem it is going to be fixed correctly.

L.D. 1487 creates potential new legal liability and open-ended obligation for the business community. The bill also puts manufacturers valuable patents and other proprietary business information at risk. Companies would be obligated to send significant amounts of data, highly sensitive information, technical aspects about equipment to almost any repair provider who requests it. Legislation that seeks to create potential legal problems is always of concern to the business community. Additionally, L.D. 1487 requires that original manufacturers treat independent repair providers the same way that authorized service providers are – and that hurts the ability to freely establish contracts and relationships with how they see fit. We believe that the people who are subject matter experts in the product they are manufacturing are best positioned to make decisions that help ensure that consumers are obtaining repairs from qualified entities.

The last concern we will highlight with L.D. 1487 is that we believe this will negatively impact consumer security and safety. Forcing manufacturers to turn over information regarding an electronic security lock or other security related functions is completely unacceptable and poses a serious risk resents unacceptable risks data privacy. In the current world we are living in with cybersecurity risks that exist, we should be doing everything in our power to pass legislation to strengthen this information, not weaken it. And on the safety front, if a device is not fixed properly – what effect will that have?

In closing, the Maine State Chamber is strongly opposed to L.D. 1487 and we would encourage the committee to vote, “ought not to pass”. Thank you for the opportunity to provide testimony today. I am happy to answer any questions and bring back additional information for the work session if needed.

Sincerely,
Benjamin R. Lucas
Senior Government Relations Specialist
Maine State Chamber of Commerce
Email: blucas@mainechamber.org