



HOUSE OF REPRESENTATIVES

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LD 292: An Act to Implement the Automotive Right to Repair Working Group Recommendations.

Senator Curry, Representative Gere, and Distinguished Members of the Joint Standing Committee on Housing and Economic Development, my name is Amanda Collamore, and I have the distinct honor and privilege of serving the communities of Pittsfield, Clinton, Burnham and Troy. I come before you today to present **LD 292, An Act to Implement the Automotive Right to Repair Working Group Recommendations**.

First, I'd like to provide you with a little history. In the 131st, we had a bill before this committee when it was the Joint Standing Committee on Innovation, Development, Economic Advancement and Business (IDEA-B) that worked to amend the Automotive Right to Repair law passed in 2023. We knew when the law came before us in 2023, that there were technical and legal problems, but we were unable to make changes without creating a competing measure on the ballot that November. Upon returning to session and committee work in 2024, the IDEA-B committee worked very hard on a bill that would fix the problem areas and worked another bill that create a working group to define a potential entity that would work under the Attorney General's office.

The intent of passing both bills was to fix the areas of concern that we knew would open us up to lawsuits, protect Mainers, and ensure the conversation continued. Both bills passed out of committee and passed in the House. Unfortunately, one of the bills, the one to fix the problem areas of law, was a 12-1 report. Typically, that isn't a problem. When we see a 12-1 report, the Majority report always wins. In the case of LD 1911, that is not what happened. Lobbyists worked the Senate hard, including the son of the then Senate President, to overturn the hard work of the committee and the vote in the House. The bill technically did not fail in the Senate, it was indefinitely postponed. The 2nd bill passed through both bodies and created the Working Group, who's report this bill pulls from.

When I joined the Legislature in 2020, my focus areas were early childhood education and protecting the rights of our older Mainers. I never expected to find myself researching and fighting for the rights of Mainers around Automotive Right to Repair, working hard to protect Mainers' valuable and vulnerable data from forces, companies, entities, and special interest groups from outside our great State. I have spent 3 years working on this topic area. I might even be considered a content expert at this point. The binders you have before you were put together by Representative Roberts and me. They contain only a fraction of the reports and data I have reviewed, researched, and consulted before submitting this bill.

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The binder includes one of the reports from the Congressional Research Service (CRS) about Access to Motor Vehicle Software and Data. The CRS has been conducting research for legislative bodies to use to understand policy issues since 1914, a valuable resource. It also includes a report from the U.S. Government Accountability Office about Vehicle Repair: Information on Evolving Vehicle Technologies and Consumer Choice. The binder has two reports from the U.S. Department of Commerce's Bureau of Industry and Security (BIS) on rulemaking for Securing the Information and Communications Technology and Services Supply Chain: Connected Vehicles. There is also an investigation report from the International Trade Commission on Certain Telematics, Fleet Management, and video-Based Safety Systems, Devices, and Components Thereof, Notice of Institution of Investigation.

Additionally, we have included a copy of the Maine Citizen's Guide to the Referendum Election for the November 2023 election. For many of you, this is a completely new topic and, while you may have voted on Question 4, and given the 84% approval, you probably voted in the affirmative. Did you know you were voting in an independent entity that would "establish and administer access to vehicle generated data" or the will "manage cyber-secure access to motor vehicle generated data". The bill behind the question also states "the independent entity shall: (A) Identify and adopt relevant standards for the implementation of this section and relevant provisions for accreditation and certification of organizations and for a system for monitoring policy compliance; (B) monitor and develop policies for the evolving use and availability of data generated by the operations of motor vehicles; and (C) Create policies for compliance with relevant laws, regulations, standards, technologies and best practices related to access to motor vehicle data." A questions worded "Do you want to require vehicle manufacturers to standardize on-board diagnostic systems and provide remote access to those systems and mechanical data to owners and independent repair facilities?" created an independent entity with no government oversight.

What did voters give the independent entity access to? Mechanical data. It seems reasonable that mechanical data should be accessed for repairs. In the context of data processing, a quick Google search states that "Mechanical data refers to information processing using physical mechanisms and machines, such as calculators, typewriters, or punch card machines." Mechanical data can also "refer to data generated by physical devices like sensors and industry control systems." The passage of Question 4 created the following definition of Mechanical Data:

"Mechanical data means any vehicle-specific data, including telematics system data, generated by, stored in or transmitted by a motor vehicle and used in the diagnosis, repair or maintenance of a motor vehicle."

To further define this, the law states that a:

"Telematic system means a system in a motor vehicle that collects information generated by the operation of the vehicle and transmits that information using wireless communications to a remote receiving point where the information is stored or used."

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Other than stating that the independent entity is responsible for “administering access” to these systems, it does not say where this data is to be stored. Nor does it say how the data is supposed to get to this unknown storage area. It does require manufactures to “equip vehicles sold in this State with an inter-operable, standardized and owner-authorized access platform across all of the manufacturer’s makes and models.” This sounds reasonable until you learn that such a platform does NOT yet exist to be installed on all vehicle makes and models.

Armed with this simplified version of a very complex topic, I will now go into what my bill does to fix the problem areas of this law. Firstly, after attending or watching the recording of all the Working Group meetings and having researched this topic of the last three years, this bill comes to you highly researched and well thought out. I have read this report multiple times, written all over it, highlighted areas of concern or interest, and really worked to understand its meaning. As someone who spends my professional and Legislative careers reading and editing reports sent to a variety of stakeholders, I find this report to be more of a floor debate in writing. It is difficult to write legislation based on a written floor debate.

With that in mind, much consideration went into the changes I made compared to any language we worked in the 131st. This bill will remove the independent entity from statute. This is done for a variety of reasons. (1) The report doesn’t identify a sense of purpose for what they have called the “Commission”. While it gives them tasks, it’s not clear why the law cannot be enforced by the Attorney General’s Office, without a “Commission”. (2) When the report describes the “Commission” and their assigned duties, all of the language is qualified by the terminology “initially” or “at least initially”, which implies that there wasn’t unanimous agreement among the Working Group’s members. (3) It is not clear how the “Commission” would be paid for their time and mileage, or who would pay for it. (4) Creating an “independent commission” that has no rulemaking or enforcement authority appears to be an unnecessary use of taxpayer dollars. It is my understanding that the AG’s office has the authority and ability to consult any and all technical experts when investigating a case where anyone person or business has been accused of breaking Maine’s laws.

I would like to explore the use of the word “initially” as part of the reason I feel removing the entity is the best move for the people of Maine. What does initially mean in law? How long is initially? When does initially end? To avoid this confusion, let’s remove the independent entity as written into law, this is something that did have unanimous support from the Working Group. As part of it’s removal, they have put in what the report’s supporting language calls the “Motor Vehicle Right to Repair Commission” that “initially” will serve in a purely advisory role to the AG’s office. The Commission, as identified in the report, is a group of 12 members, only one of which is required to be a Maine resident. Having a Commission that serves in a purely advisory capacity does not make sense.

That being said, I would be open to discussing an amendment to my language that would create a Commission that would sunset one year from the time of it’s inception. Given that no other laws like ours exists in this country, it stands to reason that the AG’s office may need some “initial” guidance to define all the areas that the Commission may have a deeper understanding of. This limited time Commission would provide data and recommendations of

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experts that the AG's office may want to use if cases arise. This is not something that would need to be ongoing, as the AG's office has all of the enforcement authority it needs.

The second thing this bill does is remove the requirement of manufacturers to install a standardized platform. There was a consensus identified in the report that motor vehicle manufacturers should decide for themselves the manner in which they will provide access to all mechanical data emanating directly from the vehicle in compliance with statute. Though, I'm not sure I see this as a complete consensus, as the phrase "at least initially" was used with it. To avoid the confusion of what "initially" means, and since we agree that the State of Maine should not be responsible or liable for the storage and/or access of our vehicle-generated data, removing the platform is the best option.

Lastly, this bill adds definitions to clarify language in the law. The law does not currently define what an independent repair facility is.

With regard to the definition of motor vehicle as currently written, the law pulls in medium and heavy-duty vehicles. Motor vehicles in this part of statute includes medium and heavy-duty vehicles, something that is very concerning to the industry and inconsistent with what Maine defines as motor vehicles and automobiles when it comes to the cars, SUVs, and trucks. We have a number of heavy-duty vehicle dealers, repairers, and other in the business in this room and watching online who are very concerned about their inclusion and what this means for their industry. I don't believe you will hear from all of them, so I'd like to take a quick moment to ask them all to stand so you can see who is representing this industry in our committee room today.

Thank you for being here today and for those watching online, thank you for participating remotely.

You will hear from people opposing their exemption from the law that this is dangerous because owners, including fleet owners, will not be able to repair their vehicles. You will hear that the Working Group discussed the Heavy-Duty industry in their meetings and that there was an agreement reached that, as long as they were on the Commission, the industry was satisfied and felt represented. I watched the meeting where they "discussed" the heavy-duty vehicles, there was not agreement from the industry. As a matter of fact, they testified to remind the working group that they were the Maine Automotive Right to Repair Working Group and that MRS Title 29-A defines an automobile as "a motor vehicle designed for the conveyance of passengers that has a seating capacity of not more than 15 persons, including the operator." They further reminded the group that by using the definition of motor vehicle as defined in MRS Title 29-A and using other terms from Title 29-A has created confusion. They provided a detailed account of the fundamental differences between the passenger car and commercial vehicle markets and, in their conclusions and recommendations, asked the working group focus all of its recommendations to specifically automobiles as defined in Title 29-A to avoid unintended consequences. Respecting the request is easy and lets our truckers, trucking companies, and fleets know that we respect and hear them. We certainly don't want to create any potential issues with the movement of goods to, from, and within our State.

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I have so much more I could say on this. Three years of research creates a brain full of knowledge that I am very happy to share with my colleagues, constituents, and anyone else that is looking to learn more about this very complex issue, but I want to ensure the people behind me and online have the ability to give their testimony without too long of a delay. So I will simply end with this: I know that I am in for another year, maybe two, of attacks from the lobbies who don't want us to touch this law. I recognize that I will likely have my district geo-fenced again with messages lying to my constituents that I'm trying to undermine the will of the voters. I would never work to do that. Anyone who knows me even a little bit knows how big of a lie that is. I am here in service of THEM and the people of Maine. They are the only reason I am still in this body, working to make their voices heard. The geo-fencing of my district the last time we worked bills around right to repair ended up helping me spread the word on what was actually written into law. Not one person I talked to knew they had voted in an independent entity. They didn't know that the "standardized platform" this law required hadn't been invited yet. All but one person I talked to asked me to fix this law. I will continue to fight for the people I represent and fight to fix the problems of this law, even if the lobbyists tell me I will never be reelected again. I'm not here to promote an election. I am here to lift up the voices of the people who elected me and those who voted against me.

Thank you for your time today. I am happy to answer any questions you may have for me about this topic and this bill.