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April 10, 2025

Testimony of Rep. Tiffany Roberts presenting

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

Before the Joint Standing Committee on Housing and Economic Development

Good afternoon, Senator Curry, Representative Gere, and esteemed members of the Joint Standing Committee on Housing and Economic Development. I am Tiffany Roberts, and I represent House District 149, which includes parts of North and South Berwick. I am pleased to be here today to present **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**.

Thank you for the opportunity to present LD 1394, a bill that supports Maine's climate and transportation goals by providing a carefully crafted exclusion for electric vehicles from Section 6 of the Right to Repair law. I bring this bill forward as Chair of the committee that oversaw the implementation working group and after months of close engagement with state and federal agencies, dealers, repairers, and industry stakeholders.

The problem is straightforward. Automakers have indicated and are already demonstrating in Massachusetts that if forced to comply with the open telematics access requirements in Section 6 of the repair law, they will disable telematics altogether to protect consumer safety, avoid federal liability, and comply with cybersecurity regulations. That is not a hypothetical threat; it is already happening.

This bill offers Maine a chance to avoid the unintended consequences unfolding in other states by recognizing two truths. Telematics access, as required in Section 6, raises legitimate federal preemption and cybersecurity conflicts. The rapid growth of electric vehicles (EVs) in Maine makes preserving telematics functionality critical to consumers and climate policy.

What is the Risk? Telematics will be disabled. Manufacturers are subject to federal cybersecurity obligations under the Vehicle Safety Act and the FTC. In June 2023, the National

Highway Traffic Safety Administration explicitly warned that open telematics mandates, like those in Maine and Massachusetts, could enable remote manipulation of vehicle systems and pose “significant safety concerns.”

As a result, some automakers have already turned off telematics in Massachusetts models to avoid violating federal law and exposing drivers to hacking risks. If Maine proceeds without this exclusion, we are inviting the same outcome. Consumers will lose features they rely on, and the climate impact will be considerable.

Maine currently has **approximately 16,000 electric vehicles registered from model year 2022 onward**, with that number growing rapidly each year as the state pursues its Climate Action Plan and Clean Transportation Roadmap goals. This doesn’t even account for the tens of thousands of plug-in hybrids on the road, which rely on many of the same telematics-enabled systems.

What is at stake? Telematics functions are critical to EVs and hybrids. Telematics are not just about convenience. They are central to the safe and efficient operation of EVs and hybrids. LD 1394 defines telematics systems as including, but not limited to:

- **Remote diagnostics** that are essential for over-the-air software updates, which EVs require more frequently than traditional vehicles;
- **Battery performance monitoring and safety alerts** that allow the detection of thermal runaway risks or degradation issues;
- **Charging session coordination** that enables EVs to communicate with grid-integrated chargers and manage load balancing;
- **Vehicle health reports** that help drivers track energy usage, range prediction, and battery health;
- **Location and security features** such as remote lock/unlock, anti-theft alerts, and GPS navigation;
- **Emergency crash notification** relies on telematics to dispatch responders in the event of an accident.

Removing or disabling telematics would strip these vehicles of core functionality, degrade the customer experience, and undercut Maine’s clean energy transition.

This is a targeted exclusion with safeguards. LD 1394 provides a narrow, conditional exclusion from the Section 6 telematics mandate only for EVs and only if manufacturers meet two key requirements:

1. They must comply with federal privacy and cybersecurity standards; and
2. They must meet an electric vehicle availability threshold defined by the Department of Environmental Protection.

This approach ensures that we preserve consumer protections, avoid regulatory conflicts, and uphold the intent of the Right to Repair law without sabotaging our climate goals.

This bill does not repeal the Right to Repair law. It fixes a specific, documented flaw that has already disrupted other states and threatens to derail Maine’s EV momentum.

We can simultaneously support consumer choice, independent repair, and electric vehicle adoption. LD 1394 does precisely that. As an aside, given the number of hybrid vehicles in Maine that are also crucial to our climate goals, rely on the same items above for their EV functionality. The committee may consider adding hybrids to the bill as well.

I respectfully urge the committee to vote "Ought to Pass."

Thank you.