



Testimony in Opposition to LD 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”

Senator Curry, Representative Gere, and the distinguished members of the Committee on Housing and Economic Development, my name is Harris Van Pate, and I am a policy analyst at Maine Policy Institute, a nonprofit, nonpartisan organization that works to advance individual liberty and economic freedom in Maine. I am here today to testify in strong opposition to LD 1908.

While the bill is well-intentioned in its goal to make electronic device repair more accessible, it presents serious concerns from the perspective of property rights, innovation, and market freedom. LD 1908 imposes an unprecedented mandate on manufacturers to disclose proprietary tools, software, and documentation, effectively coercing the transfer of intellectual property to unaffiliated third parties under the guise of consumer fairness.

Undermining Property Rights and Innovation

At its core, LD 1908 infringes on the property rights of manufacturers and developers. In a free market, businesses are entitled to determine the terms under which their goods and services are sold, including how, where, and by whom their products are maintained. Forcing companies to share trade secrets, diagnostic tools, and proprietary repair software with competitors violates the fundamental principle that private property, including intellectual property, should not be subject to government expropriation without due process.

As noted by scholars from the Hudson Institute’s Forum for Intellectual Property, so-called “right to repair” laws threaten the delicate ecosystem of innovation by blurring the lines between ownership and license.¹ Many modern devices incorporate embedded software and firmware that are licensed, not sold, to consumers. When the government mandates full disclosure of that code, it undermines years of research and development investment, reducing incentives for companies to innovate and enhance product quality.

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<https://www.hudson.org/economics/state-right-to-repair-laws-need-to-respect-federal-copyright-laws-a-constitutional-legal-and-policy-assessment>



Government-Forced Sharing: A Slippery Slope

This legislation sets a dangerous precedent in which the government compels private companies to do business with third parties on “fair and reasonable” terms. This phrase is vague, subjective, and prone to bureaucratic abuse. LD 1908 essentially empowers the state to second-guess and override the terms of private contracts.

As Maine Policy Institute has long emphasized, when government begins dictating how products must be designed, serviced, or sold, it erodes the economic freedoms that support entrepreneurship and competitiveness. Mandates like this shift risk away from consumers and third-party businesses and onto producers, creating a chilling effect for firms considering doing business in Maine.

Risk to Cybersecurity and Consumer Safety

The bill also opens the door to serious cybersecurity vulnerabilities. Manufacturers often design tightly integrated hardware and software ecosystems to ensure secure operation and regulatory compliance. Forcing these companies to release software tools and documentation could allow malicious actors to exploit system vulnerabilities, putting consumers at risk. All it takes is a few bad actors to turn what is intended as a pro-fairness proposal into a tool for widespread hacking and enabling scammers and hackers.

Additionally, unauthorized or poorly executed repairs could compromise the safety and longevity of devices—especially in fields like medical electronics, aviation, or home automation. Liability concerns would mount, with manufacturers bearing the brunt of reputational and legal fallout for actions they cannot control.

Market-Based Alternatives Already Exist

Consumers already enjoy robust access to competitive repair options for many devices. Authorized third-party providers and certified independent repair programs offer consumers flexibility while preserving product integrity and safety. Rather than mandating compliance with a rigid, one-size-fits-all framework, lawmakers should encourage continued voluntary collaboration between manufacturers and repair providers.



The market has also responded to consumer demand. In recent years, several large tech firms have launched their own self-service repair programs.^{2 3 4} Rather than accelerating innovation, LD 1908 threatens to halt this voluntary progress in favor of forced disclosure and regulation.

Conclusion

LD 1908 reflects a growing trend of government overreach into the private sector—undermining innovation, weakening property rights, and distorting the market. If passed, it would make Maine a more hostile environment for entrepreneurs and technology developers, particularly those whose business models depend on intellectual property protection.

Maine Policy Institute urges the committee to reject LD 1908 and instead pursue a policy that upholds voluntary exchange, fosters competition, and respects the sanctity of property rights.

Thank you for your time and consideration.

² <https://www.apple.com/newsroom/2021/11/apple-announces-self-service-repair/>
³

<https://branch.climateaction.tech/issues/issue-4/apple-just-launched-its-first-self-repair-program-other-tech-companies-are-about-to-follow/>

⁴ <https://www.techspot.com/news/106376-repairing-xbox-got-whole-lot-easier-thanks-microsoft.html>