

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1908

S.P. 749

In Senate, May 6, 2025

**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**

Reference to the Committee on Housing and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.
Cosponsored by Representative CLUCHEY of Bowdoinham and
Senators: BAILEY of York, BALDACCI of Penobscot, BICKFORD of Androscoggin,
CURRY of Waldo, CYRWAY of Kennebec, NANGLE of Cumberland, Representatives:
LAVIGNE of Berwick, MASTRACCIO of Sanford.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 10 MRSA c. 239 is enacted to read:

3 **CHAPTER 239**

4 **RIGHT TO REPAIR ELECTRONIC EQUIPMENT**

5 **§1500-Y. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Authorized repair provider.** "Authorized repair provider" means:

9 A. An original equipment manufacturer that offers the services of diagnosis,
10 maintenance or repair of the digital electronic equipment it manufactures; or

11 B. A person that is unaffiliated with an original equipment manufacturer and that has
12 an arrangement with the original equipment manufacturer under which the original
13 equipment manufacturer grants to the person a license to use a trade name, service mark
14 or related characteristics for the purposes of offering the services of diagnosis,
15 maintenance or repair of digital electronic equipment under the name of or on behalf
16 of the original equipment manufacturer. For the purposes of this paragraph, "service
17 mark" has the same meaning as in section 1521, subsection 6.

18 **2. Authorized 3rd-party provider.** "Authorized 3rd-party provider" means a person
19 that is unaffiliated with an original equipment manufacturer and that has an arrangement
20 with the original equipment manufacturer under which the original equipment
21 manufacturer grants to the person a license to use a trade name to distribute parts, tools or
22 documentation under the name of or on behalf of the original equipment manufacturer.

23 **3. Diagnosis.** "Diagnosis" means the process of identifying the issue or issues causing
24 digital electronic equipment to not be in full working order.

25 **4. Digital electronic equipment; equipment.** "Digital electronic equipment" or
26 "equipment" means a hardware product that has a wholesale price to a retailer, or to others
27 outside of direct retail sale, of not less than \$50 and that depends in whole or in part on
28 digital electronics embedded in or attached to the product for the product to function.

29 "Digital electronic equipment" does not include:

30 A. A motor vehicle that is designed to transport individuals or property on a street or
31 highway and is certified by a motor vehicle manufacturer under all requirements for
32 the distribution and sale of motor vehicles in the United States;

33 B. A medical device or a digital electronic product intended primarily for use in a
34 medical setting including diagnostic, monitoring or control equipment or any product
35 or service offered through such a device or product;

36 C. Off-road or nonroad equipment, including, but not limited to, farm and utility
37 tractors; farm implements; farm machinery; forestry equipment; industrial equipment;
38 utility equipment; construction equipment; compact construction equipment; mining
39 equipment; turf, yard and garden equipment; outdoor power equipment, including

1 portable generators; aviation, marine, all-terrain sports and recreational vehicles,
2 including racing vehicles; stand-alone or integrated stationary or mobile internal
3 combustion engines; other power sources, including, but not limited to, generator sets,
4 electric or battery and fuel cell power; power tools; and any tools, technology,
5 attachments, accessories, components or repair parts for any such equipment;

6 D. Commercial and industrial electrical switchgear equipment, including power
7 distribution equipment; commercial visual display equipment; medium-voltage or low-
8 voltage switchgear and transformers; power control equipment such as medium-
9 voltage or low-voltage motor control and drives; remote power panels; power
10 distribution units and static or transfer switches; and any tools, technology,
11 attachments, accessories, components or repair parts for any such equipment;

12 E. Safety communications equipment intended to be used for emergency response or
13 prevention purposes by a law enforcement, fire or medical and emergency rescue
14 services agency or other emergency service organization;

15 F. Security or life safety systems or alarm systems, including any related software or
16 components, that have a digital electronic product embedded within them; or

17 G. A video game console, including, but not limited to, a video game console machine,
18 a handheld video game console device or other similar device or system, including any
19 associated components or peripherals.

20 **5. Documentation.** "Documentation" means, with respect to digital electronic
21 equipment, a manual, diagram, reporting output, service code description, circuit schematic
22 or similar kind of information required for effecting the services of diagnosis, maintenance
23 or repair of equipment manufactured or sold by an original equipment manufacturer to
24 facilitate the diagnosis, maintenance or repair of the equipment.

25 **6. Independent repair provider.** "Independent repair provider" means an individual
26 or business operating in the State that is not an authorized repair provider and that is not
27 affiliated with an authorized repair provider and that is engaged in diagnosing, maintaining
28 and repairing digital electronic equipment.

29 **7. Maintenance.** "Maintenance" means, with respect to digital electronic equipment,
30 any action necessary to keep currently working digital electronic equipment in full working
31 order.

32 **8. Medical device.** "Medical device" means an instrument, apparatus, implement,
33 machine, contrivance, implant or other similar or related article, including a component,
34 part or accessory, as described in 21 United States Code, Section 321(h) that is intended
35 for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment
36 or prevention of disease in humans or animals.

37 **9. Modification.** "Modification" or "modify" means, with respect to digital electronic
38 equipment, any alteration to the equipment that is not maintenance and not repair.

39 **10. Motor vehicle.** "Motor vehicle" has the same meaning as in section 1171,
40 subsection 11 and includes any component or part of the motor vehicle.

41 **11. Motor vehicle dealer.** "Motor vehicle dealer" means an individual or business
42 engaged in the selling or leasing of motor vehicles pursuant to a franchise agreement that
43 has obtained a license under applicable vehicle and traffic laws and that, pursuant to the

franchise agreement, is engaged in diagnosing, maintaining and repairing motor vehicles and motor vehicle engines.

12. Motor vehicle manufacturer. "Motor vehicle manufacturer" means a business engaged in the manufacturing or assembling of motor vehicles.

13. On fair and reasonable terms. "On fair and reasonable terms" means, with respect to documentation, parts and tools required for the diagnosis, maintenance and repair of digital electronic equipment, that such documentation, parts and tools are made available by the original equipment manufacturer at costs and on terms that are at least as favorable as the most favorable costs and terms under which the manufacturer offers the documentation, parts and tools to an authorized repair provider, accounting for any discount, rebate or financial incentive offered to the authorized repair provider by the manufacturer, and that:

A. With respect to documentation required for repair, such documentation is made available by the original equipment manufacturer:

(1) On terms that do not require the recipient of the documentation to be or to become an authorized repair provider; and

(2) At no charge, except that, when the documentation is requested in physical printed form, the manufacturer may require payment for the reasonable actual costs of preparing and sending the printed documentation;

B. With respect to tools required for repair, such tools are made available by the original equipment manufacturer:

(1) On terms that do not require the recipient of the tool to be or to become an authorized repair provider;

(2) Without any impediments to use; and

(3) At no charge for use or operation of the tool, except that when the tool is requested in physical form, the manufacturer may require payment for the reasonable, actual costs of procuring, preparing and sending the tool; and

C. With respect to parts required for repair, such parts are made available by the original equipment manufacturer either directly or through an authorized 3rd-party provider, distributor or authorized repair provider on terms that do not require the recipient of the part to be or to become an authorized repair provider.

14. Original equipment manufacturer; manufacturer. "Original equipment manufacturer" or "manufacturer" means a business engaged in the selling or leasing of or in otherwise supplying new digital electronic equipment manufactured by or on behalf of the business.

15. Owner. "Owner" means an individual or business that owns digital electronic equipment purchased or used in the State.

16. Part. "Part" means, with respect to digital electronic equipment, any replacement part or assembly of parts, either new or used, or their equivalents, for maintaining or repairing digital electronic equipment manufactured or sold by the manufacturer.

17. Parts pairing. "Parts pairing" means a manufacturer's practice of using software to identify component parts through a unique identifier.

1 **18. Repair.** "Repair" means, with respect to digital electronic equipment, any action
2 necessary to restore the equipment to full working order. "Repair" does not include post-
3 sale modifications that alter the originally intended functioning of the digital electronic
4 equipment.

5 **19. Tool.** "Tool" means, with respect to digital electronic equipment, a software
6 program, hardware implement or other apparatus, including any updates, or its equivalent,
7 used for diagnosing, maintaining or repairing digital electronic equipment manufactured or
8 sold by the manufacturer, including software or other mechanisms that provide a new part,
9 program a new part, pair a new part, calibrate functionality or perform any other function
10 required to repair the original part.

11 **20. Trade name.** "Trade name" has the same meaning as in section 1521, subsection
12 7.

13 **21. Trade secret.** "Trade secret" means anything tangible or intangible or
14 electronically stored or kept that constitutes, represents, evidences or records intellectual
15 property, including secret or confidentially held designs, processes, procedures, formulas,
16 inventions or improvements or secret or confidentially held scientific, technical,
17 merchandising, production, financial, business or management information, or other
18 intellectual property that falls within the meaning of a trade secret under 18 United States
19 Code, Section 1839.

20 **§1500-Z. Right to repair**

21 The following provisions govern the diagnosis, maintenance and repair of digital
22 electronic equipment sold or in use in this State.

23 **1. Original equipment manufacturers; requirement.** Beginning January 1, 2026,
24 and except as otherwise provided in this section, an original equipment manufacturer of
25 digital electronic equipment sold or in use in the State on or after July 1, 2021 shall make
26 available on fair and reasonable terms to any independent repair provider or owner of the
27 equipment any documentation, parts or tools, or their equivalents, required for the
28 diagnosis, maintenance or repair of the equipment.

29 An original equipment manufacturer that does not have access to documentation, parts or
30 tools and does not offer services of diagnosis, maintenance or repair of particular digital
31 electronic equipment is not required to produce documentation, parts or tools for that
32 particular equipment.

33 **2. Prohibited uses of parts pairing.** For consumer electronic equipment that is
34 manufactured for the first time, and first sold or used in this State, after January 1, 2026,
35 an original equipment manufacturer may not use parts pairing to:

36 A. Prevent or inhibit an independent repair provider or an owner from installing or
37 enabling the function of an otherwise functional replacement part or a component of
38 consumer electronic equipment, including a replacement part or a component that the
39 original equipment manufacturer has not approved;

40 B. Intentionally reduce the functionality or performance of consumer electronic
41 equipment; or

42 C. Cause consumer electronic equipment to display misleading alerts or warnings,
43 which the owner cannot immediately dismiss, about unidentified parts.

1 **3. Additional limitations and exclusions.** Notwithstanding any provision of this
2 section to the contrary:

3 A. An original equipment manufacturer is not required to:

4 (1) Provide or make available to an independent repair provider or owner
5 documentation, parts or tools if:

6 (a) The part or tool is no longer available to the original equipment
7 manufacturer; or

8 (b) The tool is used by the original equipment manufacturer only to perform
9 no-cost diagnostic services virtually through telephone, Internet, chat function,
10 e-mail or similar means that do not involve the manufacturer's physically
11 handling the owner's equipment, unless the manufacturer also makes that
12 documentation or tool available to persons unaffiliated with the manufacturer;

13 (2) Divulge any trade secret except as necessary to perform diagnosis,
14 maintenance or repair on fair and reasonable terms;

15 (3) Make available to an independent repair provider or owner documentation,
16 parts or tools that would disable, reset or override electronic privacy or security
17 locks or security-related measures or functions, or disable or override antitheft
18 security or privacy measures set by the owner of the equipment without the owner's
19 authorization. This subparagraph may not be construed to relieve the original
20 equipment manufacturer's obligation to make available to an independent repair
21 provider or owner such documentation, parts or tools if the owner provides
22 authorization;

23 (4) Provide documentation, parts or tools for any digital electronic equipment if
24 reconditioning or repair of the equipment is prohibited by law;

25 (5) Provide documentation or tools used exclusively by the original equipment
26 manufacturer for diagnosis, maintenance or repairs completed by machines that
27 operate on several digital electronic equipment products simultaneously or
28 otherwise for purposes of large-scale efficiency as long as the manufacturer makes
29 available to independent repair providers and owners sufficient alternative
30 documentation and tools to diagnose, maintain or repair the equipment; or

31 (6) Cover any repairs provided by independent repair providers or owners under a
32 warranty;

33 B. An original equipment manufacturer and an authorized repair provider are not
34 required by this section to:

35 (1) Provide an independent repair provider or owner any information, other than
36 documentation, that is provided by the original equipment manufacturer to an
37 authorized repair provider;

38 (2) Make available any documentation, parts or tools for the purposes of modifying
39 or making modifications to any digital electronic equipment; or

40 (3) Make available any documentation, parts or tools in a manner that is
41 inconsistent with or in violation of applicable federal or state law;

C. In complying with the requirements of this section, an original equipment manufacturer may make available documentation, parts or tools to an independent repair provider or owner directly or through an authorized repair provider or an authorized 3rd-party provider.

An authorized repair provider may make documentation, parts or tools available to an independent repair provider or owner as long as the authorized repair provider is contractually permitted by the original equipment manufacturer to provide and is not otherwise prohibited from providing the documentation, parts or tools.

This paragraph may not be construed to require an authorized repair provider or authorized 3rd-party provider to provide such documentation, parts or tools to an independent repair provider or owner or to relieve an original equipment manufacturer of its obligations to make available documentation, parts or tools to an independent repair provider or owner; and

D. An original equipment manufacturer is not liable under this section for damages resulting from improper use of personal data or any data privacy or security breach in connection with repair, diagnosis, maintenance or modification of digital electronic equipment by an independent repair provider or owner.

This section may not be construed to abrogate, interfere with, contradict or alter the terms of any agreement between an original equipment manufacturer and an authorized repair provider, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such an authorized repair agreement, except that any provision in such an authorized repair agreement that purports to waive, avoid, restrict or limit an original equipment manufacturer's compliance with this section is void and unenforceable.

4. Written notice required. Before repairing digital electronic equipment subject to the requirements of this section, an independent repair provider shall provide to a customer a written notice that contains the following information:

A. That the independent repair provider is not an authorized repair provider for the digital electronic equipment; and

B. Whether the independent repair provider, in repairing digital electronic equipment, uses any used replacement parts or replacement parts provided by a supplier other than the original equipment manufacturer of the digital electronic equipment.

5. Violations. A violation of this section is a violation of the Maine Unfair Trade Practices Act.

SUMMARY

This bill requires that, beginning January 1, 2026, an original equipment manufacturer of digital electronic equipment sold or in use in the State on or after July 1, 2021 is required to make available on fair and reasonable terms to any independent repair provider or owner of the digital electronic equipment any documentation, parts or tools required for the diagnosis, maintenance or repair of the equipment. Under the bill, an independent repair provider is a business engaged in diagnosing, maintaining and repairing digital electronic equipment but is not the original equipment manufacturer or a business licensed by the original equipment manufacturer.

1 The bill also prohibits original equipment manufacturers, beginning January 1, 2026,
2 from using software to identify component parts through a unique identifier, also called
3 "parts pairing," to prevent or inhibit an owner or independent repair facility from installing
4 or enabling functional replacement parts or components; intentionally reduce the
5 functionality of the electronic equipment; or cause the electronic equipment to display
6 misleading alerts about unidentified parts that the user cannot immediately dismiss. This
7 provision applies to consumer electronic equipment that is manufactured for the first time,
8 and first sold or used in this State, after January 1, 2026.

9 The bill includes several exceptions that limit an original equipment manufacturer's
10 obligations under the bill. The bill provides that an original equipment manufacturer is not
11 liable for damages resulting from improper use of personal data or a data security breach
12 in connection with repair, diagnosis, maintenance or modification of digital electronic
13 equipment by an independent repair provider or owner.

14 The bill requires that independent repair providers must provide a customer with a
15 written notice explaining that the independent repair provider is not an authorized repair
16 provider for the digital electronic equipment and disclose whether the independent repair
17 provider uses any used parts in performing repair work.