

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

March 24, 1975

Markham L. Gurtley, Secretary of State

State

Joseph E. Brennan, Attorney General

Attorney General

Privacy Act of 1974 (P.L. 93-579, 93rd Congress)

You have referred to me a letter from U. Charles Remmel, II, representing the Maine Civil Liberties Union, with regard to the policy of your department in connection with the disclosure of social security numbers of applicants for operator's licenses.

You ask (1) whether his letter accurately reflects the position of your office, and (2) what course of action you should take on this subject.

QUESTION 1:

We feel your first question calls for a factual determination by you, of the accuracy of Mr. Remmel's characterization of the position of your office, rather than a statement by this Department.

QUESTION 2:

A copy of subject Act is attached hereto.

Sec. 7a(1) makes it unlawful "for any Federal, State or local government agency to deny any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his social security number."

Sec. 7a(2) provides that 7a(1) shall not apply with respect to . . . "(B) the disclosure of a social security number to any Federal, State or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual."

P.L., 1973, c. 285, made 29 M.R.S.A. §§ 239-A, 540, mandatory regarding social security numbers appearing on licenses. The effective date of these amendments was January 1, 1975. It remains to be determined, therefore, whether the directives issued by the Secretary of State's motor vehicle division, prior to January 1, 1975, and the administrative actions taken thereunder, amounted to a system of records in existing and operating before January 1, 1975, so that disclosure of social security numbers

was required to verify the identity of the licensee, pursuant to the Federal statute noted above.

There were directives issued by the Secretary of State's Office, (copies enclosed) requiring the motor vehicle division personnel to refuse to issue licenses unless the applications contained social security numbers. This practice was in existence in 1973 and 1974, and commencing December 1, 1974, license applications were issued, returned and validated during that month, making use of social security numbers.

There was also in effect, prior to January 1, 1975, an associate system of licensees' numbers used in conjunction with social security numbers, earmarked for individuals without social security numbers.

From the foregoing facts, we believe you can take the position that your office was maintaining a social security numbering system of records before January 1, 1975, in the form of regulations adopted prior to that date, to verify the identity of an individual, and that there has been compliance with sec. 7a(1) of the Federal Act.

We further believe you can continue to use the system of social security numbers on your motor vehicle operator's license. In doing so, you must comply with Sec. 7(b) of the Federal Act by informing the individual from whom you require disclosure of social security numbers, that the disclosure is mandatory, that it is solicited by authority of 29 M.R.S.A. § 539-A and that the purpose is establishment of a permanent number to be assigned to the operator's license under 29 M.R.S.A. § 540.

JEB/nf