

# MAINE STATE LEGISLATURE

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Date: 4/4/08

Minority

TRANSPORTATION

L.D. 2304  
(Filing No. H-937)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1662, L.D. 2304, Bill, "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Legislature finds that it is imperative to strengthen and implement residency requirements for the issuance of a Maine driver's license or a nondriver identification card, without delay; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §1301, sub-§11** is enacted to read:

**11. Residency requirement.** A license may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. The Secretary of State may exempt from the requirements of this subsection a person who has established to the satisfaction of the Secretary of State that the person is on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State.

A. Acceptable documentary evidence of a person's residence or domicile in this State must include the applicant's name and the address of the person's residence or

**COMMITTEE AMENDMENT**

1 domicile in this State. A post office box or other mail drop address is not sufficient.  
2 Acceptable documentary evidence includes, but is not limited to:

3 (1) A tax return, W-2 form or paycheck stub;

4 (2) A utility bill or a letter from a utility company showing application for  
5 service;

6 (3) A contract to which the applicant is a party; or

7 (4) A document issued by a governmental entity.

8 B. A person who is unable to provide acceptable documentary evidence pursuant to  
9 paragraph A may meet the requirements of this subsection by submitting the  
10 affidavits of 2 individuals who have a personal or professional relationship with the  
11 person and knowledge of the person and the person's residence or domicile in this  
12 State. A single affidavit signed by a parent or guardian of a minor making an  
13 application is sufficient for the purposes of this paragraph. The Secretary of State  
14 may reject any affidavit the Secretary of State determines to be insufficient to meet  
15 the requirements of this subsection. The affidavit is a sworn statement and a false  
16 statement by the affiant constitutes false swearing, which is a violation of Title 17-A,  
17 section 452. The Secretary of State shall provide forms for the completion of  
18 affidavits. These forms must state: "By signing this statement I verify that the  
19 representations herein are true. By making false statements on this document, I  
20 realize I am committing a Class D crime punishable under Maine law."

21 An applicant who supplies false information pursuant to this subsection makes a material  
22 misstatement of fact described in section 2103 and is subject to the penalties under that  
23 section.

24 **Sec. 2. 29-A MRSA §1301, sub-§12** is enacted to read:

25 **12. Legal presence requirement.** Except as provided in section 1305, the Secretary  
26 of State may not issue a license to any applicant who has not presented to the Secretary of  
27 State with the application valid documentary evidence that the applicant is either:

28 A. A citizen of the United States;

29 B. A legal permanent resident of the United States; or

30 C. A conditional resident alien of the United States.

31 **Sec. 3. 29-A MRSA §1305, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
32 affected by Pt. B, §5, is repealed.

33 **Sec. 4. 29-A MRSA §1305, sub-§4** is enacted to read:

34 **4. Temporary legal presence.** In addition to the requirements under subsection 2,  
35 an applicant may be issued a temporary license if that person presents in person any of  
36 the following valid documentary evidence as established by the federal Department of  
37 Homeland Security:

38 A. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
39 the United States;

1 B. A pending or approved application for asylum in the United States;

2 C. Documentary evidence of entry into the United States in refugee status;

3 D. A pending or approved application for temporary protected status in the United  
4 States;

5 E. Documentary evidence of approved deferred action status; or

6 F. A pending application for adjustment of status to legal permanent residence status  
7 or conditional resident status.

8 A temporary license issued pursuant to this subsection is valid only during the period of  
9 time of the applicant's authorized stay in the United States or, if there is no definite end to  
10 the period of authorized stay, a period of one year. Any temporary license issued  
11 pursuant to this subsection must clearly indicate that it is temporary and must state the  
12 date that it expires. A temporary license issued pursuant to this subsection may be  
13 renewed only upon presentation of valid documentary evidence that the status by which  
14 the applicant qualified for the temporary license has been extended by the United States  
15 Citizenship and Immigration Services within the federal Department of Homeland  
16 Security.

17 **Sec. 5. 29-A MRSA §1406, sub-§5**, as repealed and replaced by PL 2003, c. 434,  
18 §22 and affected by §37, is amended to read:

19 **5. Fee; 6-year license.** The fee for the 6-year noncommercial driver's license is \$30  
20 \$31.

21 **Sec. 6. 29-A MRSA §1410, sub-§1**, as enacted by PL 1997, c. 437, §40, is  
22 repealed and the following enacted in its place:

23 **1. Application.** A nondriver identification card may not be issued to a person unless  
24 the person presents acceptable documentary evidence of the person's residence or  
25 domicile in this State. A post office box or mail drop address alone is not sufficient to  
26 meet this requirement. A person on active duty in the United States Armed Forces, the  
27 spouse or child of a person on active duty in the United States Armed Forces or a student  
28 enrolled in a university, college or school within the State may apply for a nondriver  
29 identification card without establishing a Maine residence or domicile. The documents  
30 acceptable to establish a residence or domicile must include the applicant's name and the  
31 address of the person's residence or domicile in this State. Acceptable documentary  
32 evidence under this subsection is the same as for a license under section 1301, subsection  
33 11, paragraphs A and B.

34 A. The application form must include, directly above the signature line, the  
35 following notice to the applicant: "I understand that knowingly supplying false  
36 information on this form is a Class D crime under Title 17-A, punishable by  
37 confinement of up to 364 days or by monetary fine of up to \$2,000, or both."

38 **Sec. 7. 29-A MRSA §1410, sub-§8** is enacted to read:

39 **8. Legal presence requirement.** Except as provided in subsection 9, the Secretary  
40 of State may not issue a nondriver identification card to an applicant unless the applicant  
41 presents to the Secretary of State with the application valid documentary evidence that  
42 the applicant is either:

R.O.S.

- 1        A. A citizen of the United States;
- 2        B. A legal permanent resident of the United States; or
- 3        C. A conditional resident alien of the United States.

4        This subsection does not apply to an applicant for a nondriver identification card who has  
5        previously held a Maine-issued driver's license or nondriver identification card as long as  
6        the applicant's license or nondriver identification card has not been expired for more than  
7        5 years.

8        **Sec. 8. 29-A MRSA §1410, sub-§9** is enacted to read:

9        **9. Temporary legal presence.** An applicant may be issued a temporary nondriver  
10       identification card if that person presents in person any of the following valid  
11       documentary evidence as established by the federal Department of Homeland Security:

- 12       A. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
13       the United States;
- 14       B. A pending or approved application for asylum in the United States;
- 15       C. Documentary evidence of entry into the United States in refugee status;
- 16       D. A pending or approved application for temporary protected status in the United  
17       States;
- 18       E. Documentary evidence of approved deferred action status; or
- 19       F. A pending application for adjustment of status to legal permanent resident status  
20       or conditional resident status.

21       Notwithstanding subsection 4, a temporary nondriver identification card issued pursuant  
22       to this subsection is valid only during the period of time of the applicant's authorized stay  
23       in the United States or, if there is no definite end to the period of authorized stay, a period  
24       of one year. A temporary nondriver identification card issued pursuant to this subsection  
25       must clearly indicate that it is temporary and must state the date that it expires. A  
26       temporary nondriver identification card issued pursuant to this subsection may be  
27       renewed only upon presentation of valid documentary evidence that the status by which  
28       the applicant qualified for the temporary nondriver identification card has been extended  
29       by the United States Citizenship and Immigration Services within the federal Department  
30       of Homeland Security.

31       **Sec. 9. Appropriations and allocations.** The following appropriations and  
32       allocations are made.

33       **SECRETARY OF STATE, DEPARTMENT OF**

34       **Administration - Motor Vehicles 0077**

35       Initiative: Provides an allocation for 6½ Motor Vehicle Customer Service Representative  
36       positions and related All Other costs to allow for every applicant for a driver's license to  
37       visit a branch office and provide evidence of residency and proof of U.S. citizenship.

38	HIGHWAY FUND	2007-08	2008-09
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COMMITTEE AMENDMENT "A" to H.P. 1662, L.D. 2304

1	POSITIONS - LEGISLATIVE COUNT	6.500	6.500
2	Personal Services	\$83,129	\$352,690
3	All Other	\$130,536	\$16,658
4			
5	HIGHWAY FUND TOTAL	\$213,665	\$369,348

6 **Emergency clause.** In view of the emergency cited in the preamble, this  
7 legislation takes effect when approved.'

8 **SUMMARY**

9 This amendment, which is the minority report of the Joint Standing Committee on  
10 Transportation, provides that a Maine driver's license or nondriver identification card  
11 may not be issued to a person unless the person presents to the Secretary of State  
12 acceptable documentary evidence of the person's residence or domicile in Maine. A  
13 person on active duty in the United States Armed Forces, the spouse or child of a person  
14 on active duty in the United States Armed Forces or a student enrolled in a university,  
15 college or school within Maine are exempt from these requirements.

16 This amendment also provides that the Secretary of State may not issue a license or  
17 nondriver identification card to any applicant who has not presented evidence that the  
18 applicant is either a citizen of the United States, a legal permanent resident of the United  
19 States, or a conditional resident alien of the United States. The amendment also provides  
20 that a temporary driver's license or nondriver identification card may be issued to a  
21 person that presents in person any of the following documentary evidence:

22 1. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
23 the United States;

24 2. A pending or approved application for asylum in the United States;

25 3. Documentary evidence of entry into the United States in refugee status;

26 4. A pending or approved application for temporary protected status in the United  
27 States;

28 5. Documentary evidence of approved deferred action status; or

29 6. A pending application for adjustment of status to legal permanent resident status  
30 or conditional resident status.

31 The amendment also increases the fee for the 6-year noncommercial driver's license  
32 by \$1 and adds an appropriations and allocations section.

33 **FISCAL NOTE REQUIRED**  
34 **(See attached)**



# 123rd MAINE LEGISLATURE

LD 2304

LR 3488(02)

## An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
Highway Fund	\$167,165	\$183,748	\$205,911	\$229,403
<b>Appropriations/Allocations</b>				
Highway Fund	\$213,665	\$369,348	\$391,511	\$415,003
<b>Revenue</b>				
Highway Fund	\$46,500	\$185,600	\$185,600	\$185,600

#### Fiscal Detail and Notes

This legislation requires that a person be a resident of the State of Maine to be issued a Maine driver's license. It also requires each applicant to visit a branch office (as opposed to using the online service renewal system) to provide evidence of residency and proof of U.S. citizenship. The Secretary of State reports that this process will require a significant change to current practice, and will require Customer Service Representatives to have extended conversations with applicants to explain the law and review documents. The Secretary of State will require an allocation of \$213,665 in fiscal year 2007-08, and \$369,348 in fiscal year 2008-09 to hire 6.5 additional Representatives and implement these changes. Additional Highway Fund revenue from increasing the noncommercial driver's license fee from \$30 to \$31 will result in additional Highway Fund revenue of \$46,500 in fiscal year 2007-08 and \$185,600 each year thereafter.

The Secretary of State reports that there are approximately 2,800 driver's licenses with out of state addresses. It is unknown whether or not these individuals are Maine residents and are therefore eligible for a Maine driver's license under this legislation. Assuming one-half of these individuals are not eligible to renew their license in Maine, there would be a decrease in Highway Fund revenue of approximately \$1,750 in fiscal year 2007-08, and approximately \$7,000 in 2008-09.