

# MAINE STATE LEGISLATURE

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H. of S.

L.D. 2304

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2 Date: 4-8-08

(Filing No. H-966)

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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123RD LEGISLATURE

7

FIRST SPECIAL SESSION

8

HOUSE 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 "

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Amend the bill by striking out all of section 2 (page 2, lines 4 to 21 in L.D.) and inserting the following:

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

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

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A. A citizen of the United States;

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

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C. A conditional resident alien of the United States.

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 B, §5, is repealed.

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

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

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

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

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

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

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E. Documentary evidence of approved deferred action status; or

HOUSE AMENDMENT

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

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

12 **Sec. 5. 29-A MRSA §1406, sub-§5**, as repealed and replaced by PL 2003, c. 434,  
13 §22 and affected by §37, is amended to read:

14 **5. Fee; 6-year license.** The fee for the 6-year noncommercial driver's license is \$30  
15 \$35.

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

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

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

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

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

- 38 A. A citizen of the United States;
- 39 B. A legal permanent resident of the United States; or
- 40 C. A conditional resident alien of the United States.

41 This subsection does not apply to an applicant for a nondriver identification card who has  
42 previously held a Maine-issued driver's license or nondriver identification card as long as

H. of S.

1 the applicant's license or nondriver identification card has not been expired for more than  
2 5 years.

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

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

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

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

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

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

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

14 F. A pending application for adjustment of status to legal permanent resident status  
15 or conditional resident status.

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

26 **Sec. 9. Appropriations and allocations.** The following appropriations and  
27 allocations are made.

28 **SECRETARY OF STATE, DEPARTMENT OF**

29 **Administration - Motor Vehicles 0077**

30 Initiative: Provides an allocation for motor vehicle customer service representatives and  
31 related costs to allow every applicant for a driver's license to visit a branch office and  
32 provide evidence of residency and proof of United States citizenship.

33	<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
34	POSITIONS - LEGISLATIVE COUNT	6.500	6.500
35	Personal Services	\$83,129	\$352,690
36	All Other	\$130,536	\$16,658
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38	HIGHWAY FUND TOTAL	\$213,665	\$369,348
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**SUMMARY**

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This amendment retains the residency requirements for driver's licenses and the application requirement for nondriver identification cards as proposed in the bill and prohibits the Secretary of State from issuing a license or nondriver identification card to any applicant who has not presented evidence that the applicant is either a citizen of the United States, a legal permanent resident of the United States or a conditional resident alien of the United States. The amendment also provides that a temporary driver's license or nondriver identification card may be issued to a person who presents in person any of the following documentary evidence:

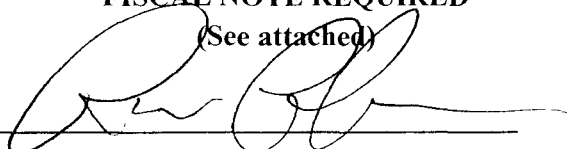
- 1. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- 2. A pending or approved application for asylum in the United States;
- 3. Documentary evidence of entry into the United States in refugee status;
- 4. A pending or approved application for temporary protected status in the United States;
- 5. Documentary evidence of approved deferred action status; or
- 6. A pending application for adjustment of status to legal permanent resident status or conditional resident status.

The amendment also increases the fee for the 6-year noncommercial driver's license by \$5 and adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)

**SPONSORED BY:**



**(Representative CEBRA)**

**TOWN: Naples**



# 123rd MAINE LEGISLATURE

LD 2304

LR 3488(03)

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

Fiscal Note for House Amendment "A"

Sponsor: Rep. Cebra of Naples

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
Highway Fund	(\$18,835)	(\$558,652)	(\$536,489)	(\$512,997)
<b>Appropriations/Allocations</b>				
Highway Fund	\$213,665	\$369,348	\$391,511	\$415,003
<b>Revenue</b>				
Highway Fund	\$232,500	\$928,000	\$928,000	\$928,000

### Fiscal Detail and Notes

This amendment requires each applicant for a driver's license 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. The amendment also increases the noncommercial driver's license fee by \$5 and will result in additional Highway Fund revenue of \$232,500 in fiscal year 2007-08 and \$928,000 each year thereafter.