

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2008

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Legislative Document

No. 2304

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H.P. 1662

House of Representatives, April 4, 2008

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

(EMERGENCY)

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Reported by Representative MARLEY of Portland for the Joint Standing Committee on Transportation pursuant to Resolve 2007, chapter 24.

Reference to the Committee on Transportation suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

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

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

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

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

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

19       A. Acceptable documentary evidence of a person's residence or domicile in this State  
20 must include the applicant's name and the address of the person's residence or  
21 domicile in this State. A post office box or other mail drop address is not sufficient.  
22 Acceptable documentary evidence includes, but is not limited to:

- 23               (1) A tax return, W-2 form or paycheck stub;  
24               (2) A utility bill or a letter from a utility company showing application for  
25               service;  
26               (3) A contract to which the applicant is a party; or  
27               (4) A document issued by a governmental entity.

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

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

4 **Sec. 2. 29-A MRSA §1410**, as enacted by PL 1997, c. 437, §40, is repealed and  
5 the following enacted in its place:

6 **§1410. Nondriver identification cards; information; fee**

7 **1. Application.** A nondriver identification card may not be issued to a person unless  
8 the person presents acceptable documentary evidence of the person's residence or  
9 domicile in this State. A post office box or mail drop address alone is not sufficient to  
10 meet this requirement. A person on active duty in the United States Armed Forces, the  
11 spouse or child of a person on active duty in the United States Armed Forces or a student  
12 enrolled in a university, college or school within the State may apply for a nondriver  
13 identification card without establishing a Maine residence or domicile. The documents  
14 acceptable to establish residence or domicile must include the applicant's name and the  
15 address of the person's residence or domicile in this State. Acceptable documentary  
16 evidence under this subsection is the same as for a license under section 1301, subsection  
17 11, paragraphs A and B.

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

22 **Emergency clause.** In view of the emergency cited in the preamble, this  
23 legislation takes effect when approved.

24 **SUMMARY**

25 This bill implements the recommendations of the working group convened by the  
26 Secretary of State to examine laws governing eligibility and documentation requirements  
27 for driver's licenses and nondriver identification cards pursuant to Resolve 2007, chapter  
28 24. This bill provides that a Maine driver's license or nondriver identification card may  
29 not be issued to a person unless the person presents to the Secretary of State acceptable  
30 documentary evidence of the person's residence or domicile in Maine. A person on active  
31 duty in the United States Armed Forces, the spouse or child of a person on active duty in  
32 the United States Armed Forces or a student enrolled in a university, college or school  
33 within Maine are exempt from these requirements.

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



# 123rd MAINE LEGISLATURE

LD 2304 LR 3488(01)

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

**Fiscal Note for Original Bill**  
**Committee: Transportation**  
**Fiscal Note Required: Yes**

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### Fiscal Note

Potential current biennium revenue decrease - Highway Fund

#### 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. 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.