

MAINE STATE LEGISLATURE

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Date: 4/15/08

Majority

L.D. 2309
(Filing No. H-1020)

TRANSPORTATION

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

COMMITTEE AMENDMENT "A" to H.P. 1669, L.D. 2309, Bill, "An Act To Enhance the Security of State Credentials"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

Sec. 1. 29-A MRSA §1301, sub-§2-A is enacted to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 2. 29-A MRSA §1406, sub-§5, as repealed and replaced by PL 2003, c. 434, §22 and affected by §37, is amended to read:

5. Fee; 6-year license. The fee for the a 6-year noncommercial driver's license is ~~\$30~~ \$45.

Sec. 3. 29-A MRSA §1406, sub-§7, as enacted by PL 2003, c. 434, §22 and affected by §37, is amended to read:

7. Fee; 4-year license. The fee for the a 4-year noncommercial driver's license is ~~\$24~~ \$30. The fee for the a 4-year commercial driver's license is \$28.

Sec. 4. 29-A MRSA §1406, sub-§7-A is enacted to read:

7-A. Fee; lawfully present noncitizen license. The fee for a license issued to a lawfully present noncitizen is:

- A. For a term of less than one year, \$10;
- B. For a term of at least one year but less than 2 years, \$15;
- C. For a term of at least 2 years but less than 3 years, \$23;
- D. For a term of at least 3 years but less than 4 years, \$30;
- E. For a term of at least 4 years but less than 5 years, \$38; or

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1 F. For a term of 5 years or longer, \$45.

2 **Sec. 5. 29-A MRSA §1406, sub-§8**, as enacted by PL 2007, c. 329, Pt. R, §1, is
3 amended to read:

4 **8. Equalization of 6-year license cycle.** Notwithstanding subsection 1, paragraph
5 A, the Secretary of State may, solely for the purpose of equalizing the 6-year license
6 renewal cycle, issue noncommercial licenses to persons under 65 years of age that expire
7 either one or 2 years before or after the holder's 6th birthday following the date of
8 issuance. Notwithstanding subsection 5, the fee for a license issued pursuant to this
9 subsection is \$5 \$7.50 multiplied by the number of years for which the license is issued.

10 This subsection is repealed June 30, 2014.

11 **Sec. 6. 29-A MRSA §1406, sub-§9** is enacted to read:

12 **9. Expiration of license; lawfully present noncitizens.** Notwithstanding any law to
13 the contrary, a license issued to an applicant who is not a citizen or a legal permanent
14 resident of the United States expires coterminously with the applicant's authorized
15 duration of stay or the otherwise applicable expiration date of the license under this
16 section, whichever occurs first. A license issued under this subsection must be valid for a
17 period of at least 120 days.'

18 Amend the bill in section 4 in subsection 8 in the 3rd, 4th and 5th lines (page 1, lines
19 25 to 27 in L.D.) by striking out the following: ", including, but not limited to, a birth
20 certificate, certificate of naturalization, passport, visa or resident alien identification card"

21 Amend the bill in section 5 in subsection 9 in the last line (page 1, line 34 in L.D.) by
22 striking out the following: "180" and inserting the following: '120'

23 Amend the bill by striking out all of sections 6 to 11 and inserting the following:

24 **'Sec. 6. Rulemaking; legal presence for license and identification cards;**
25 **draft rules.** No later than November 15, 2008, the Secretary of State shall adopt rules
26 governing what documents constitute valid documentary evidence to establish legal
27 presence pursuant to the Maine Revised Statutes, Title 29-A, section 1301, subsection
28 2-A and Title 29-A, section 1410, subsection 8. Rules adopted pursuant to this section
29 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 The Secretary of State shall provide draft rules that the Secretary of State proposes to
31 adopt under this section to the joint standing committee of the Legislature having
32 jurisdiction over transportation matters by October 15, 2008.

33 **Sec. 7. Participation in verification program; report.** Notwithstanding the
34 Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by October
35 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program
36 maintained by United States Citizenship and Immigration Services for the exclusive
37 purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or
38 nondriver identification cards.

39 No later than January 30th of each year, beginning in 2010, the Secretary of State
40 shall report to the joint standing committee of the Legislature having jurisdiction over

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1 transportation matters regarding the operation and effectiveness of the Systematic Alien
2 Verification for Entitlements Program.

3 **Sec. 8. Development of method to avoid duplication.** Notwithstanding the
4 Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the
5 most cost-effective way, such as facial recognition or fingerprint technology, to ensure
6 that an applicant does not have more than one driver's license or nondriver identification
7 card issued by the State. The Secretary of State shall make a written report of findings
8 and recommendations to the Governor and to the joint standing committee of the
9 Legislature having jurisdiction over transportation matters no later than October 1, 2009.

10 **Sec. 9. Photographs.** Notwithstanding the Maine Revised Statutes, Title 29-A,
11 section 1411, the Secretary of State shall develop and implement policies and procedures
12 in order to take and maintain photographs of applicants at the time an application for a
13 driver's license or nondriver identification card is submitted.

14 **Sec. 10. Federal REAL ID Act of 2005; repeal.** If the United States Congress
15 repeals the federal REAL ID Act of 2005, the Secretary of State shall submit proposed
16 legislation to the joint standing committee of the Legislature having jurisdiction over
17 transportation matters that returns Maine law regarding the issuance of driver's licenses
18 and nondriver identification cards to what it was prior to the effective date of this Act.
19 Upon receipt and review of that proposed legislation, the joint standing committee may
20 submit a bill to the session of the Legislature in which the Secretary of State submits that
21 proposed legislation.

22 **Sec. 11. Appropriations and allocations.** The following appropriations and
23 allocations are made.

24 **SECRETARY OF STATE, DEPARTMENT OF**

25 **Administration - Motor Vehicles 0077**

26 Initiative: Provides an allocation for additional staff, computer development and
27 programming and additional costs to implement enhanced security measures for issuing
28 driver's licenses.

29	HIGHWAY FUND	2007-08	2008-09
30	POSITIONS - LEGISLATIVE COUNT	0.000	16.000
31	Personal Services	\$0	\$1,077,678
32	All Other	\$0	\$451,266
33			
34	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$1,528,944</u>
35			

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
37 section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Transportation, increases the fee for a 6-year noncommercial driver's license from \$30 to \$45 and for a 4-year noncommercial driver's license from \$21 to \$30 to cover the costs to be incurred by the Secretary of State associated with this Act. The amendment increases the fee for licenses issued for the purpose of equalizing the 6-year license renewal cycle from \$5 to \$7.50 multiplied by the number of years for which the license is issued. The amendment also provides a schedule of fees for a license issued to a lawfully present noncitizen based on the term of the license.

The amendment clarifies that any license issued to a lawfully present noncitizen is to expire coterminously with the shorter of either that noncitizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. The amendment also provides that a license or nondriver identification card issued to a lawfully present noncitizen must be valid for a period of at least 120 days from the date of issuance instead of 180 days as proposed in the bill.

The amendment changes the date that the Secretary of State is required to adopt rules governing what documents constitute valid documentary evidence to establish legal presence for the purpose of obtaining a driver's license or nondriver identification card from 90 days from the effective date of this Act to no later than November 15, 2008. The amendment also requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by October 15, 2008 with draft rules regarding legal presence requirements.

The amendment also changes the date by which the Secretary of State is required to participate in the federal Systematic Alien Verification for Entitlements (SAVE) Program from December 1, 2008 to October 1, 2009 for the purpose of verifying lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. In addition, the Secretary of State is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the SAVE Program no later than January 30th of each year beginning in 2010.

The amendment changes the date that the Secretary of State is required to report findings and recommendations regarding its study of the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State to the Governor and the joint standing committee of the Legislature having jurisdiction over transportation matters from no later than December 1, 2008 to October 1, 2009.

The amendment also directs the Secretary of State to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted.

The amendment also requires the Secretary of State to submit legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act if the federal REAL ID Act of

2018

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1 2005 is repealed, and the joint standing committee may submit a bill to the session of the
2 Legislature in which the Secretary of State submits this legislation.

3 The amendment adds an appropriations and allocations section to the bill.

4 **FISCAL NOTE REQUIRED**
5 (See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2309

LR 3634(02)

An Act To Enhance the Security of State Credentials

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
Net Cost (Savings)				
Highway Fund	\$0	(\$1,522,431)	\$14,036	\$53,397
Appropriations/Allocations				
Highway Fund	\$0	\$1,528,944	\$1,447,646	\$1,487,007
Revenue				
Highway Fund	\$0	\$3,051,375	\$1,433,610	\$1,433,610

Fiscal Detail and Notes

The bill includes a Highway Fund allocation of \$1,528,944 in fiscal year 2008-09 to the Secretary of State, Bureau of Motor Vehicles for additional staff, computer programming, computer development and other costs required to implement the enhanced security measures for issuing driver's licenses. To offset the cost of this legislation, the 6-year noncommercial driver's license fee is increased by \$15 and the 4-year noncommercial driver's license fee will increase by \$9. The additional fee will increase Highway Fund revenue by \$3,051,375 in fiscal year 2008-09 and \$1,433,610 annually in fiscal years 2009-10 and 2010-11.