

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2309

H.P. 1669

House of Representatives, April 8, 2008

An Act To Enhance the Security of State Credentials

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator SAVAGE of Knox.

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

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

3 **11. Legal presence requirement.** The Secretary of State may not issue a license to
4 an applicant unless the applicant presents to the Secretary of State valid documentary
5 evidence of legal presence in the United States, including, but not limited to, a birth
6 certificate, certificate of naturalization, passport, visa or resident alien identification card.

7 **Sec. 2. 29-A MRSA §1406, sub-§5**, as repealed and replaced by PL 2003, c. 434,
8 §22 and affected by §37, is amended to read:

9 **5. Fee; 6-year license.** The fee for the a 6-year noncommercial driver's license is
10 \$30 \$36. Six dollars of each fee collected under this subsection must be deposited into
11 the Other Special Revenue Funds account of the Office of the Secretary of State to offset
12 the costs associated with the enhancement of the security of the State's driver's licenses
13 and nondriver identification cards, including those set forth in section 1301, subsection
14 12, section 1406, subsection 9, section 1410, subsections 8 and 9 and rules adopted for
15 the enforcement of those sections.

16 **Sec. 3. 29-A MRSA §1406, sub-§9** is enacted to read:

17 **9. Expiration of license; lawfully present noncitizens.** Notwithstanding any law to
18 the contrary, a license issued to an applicant who is not a citizen or a legal permanent
19 resident of the United States expires coterminously with that applicant's authorized
20 duration of stay or 6 years, whichever is the shorter period of time. A license issued
21 under this subsection must be valid for a period of at least 180 days.

22 **Sec. 4. 29-A MRSA §1410, sub-§8** is enacted to read:

23 **8. Legal presence requirement.** The Secretary of State may not issue a nondriver
24 identification card to an applicant unless the applicant presents to the Secretary of State
25 valid documentary evidence of legal presence in the United States, including, but not
26 limited to, a birth certificate, certificate of naturalization, passport, visa or resident alien
27 identification card.

28 **Sec. 5. 29-A MRSA §1410, sub-§9** is enacted to read:

29 **9. Expiration of nondriver identification card; lawfully present noncitizens.**
30 Notwithstanding any law to the contrary, a nondriver identification card issued to an
31 applicant who is not a citizen or a legal permanent resident of the United States expires
32 coterminously with the applicant's authorized duration of stay or 6 years, whichever is the
33 shorter period of time. A nondriver identification card issued under this subsection must
34 be valid for a period of at least 180 days.

35 **Sec. 6. Rulemaking; legal presence for license.** Within 90 days from the
36 effective date of this Act, the Secretary of State shall adopt rules governing what other
37 documents constitute valid documentary evidence to establish legal presence pursuant to

1 this section. Rules adopted pursuant to this section are routine technical rules as defined
2 in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

3 **Sec. 7. Rulemaking; legal presence for identification card.** Within 90 days
4 from the effective date of this Act, the Secretary of State shall adopt rules governing what
5 other documents constitute valid documentary evidence to establish legal presence
6 pursuant to this section. Rules adopted pursuant to this section are routine technical rules
7 as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

8 **Sec. 8. Participation in verification program.** Notwithstanding the Maine
9 Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by December 1,
10 2008 participate in the federal Systematic Alien Verification for Entitlements Program
11 maintained by United States Citizenship and Immigration Services for the exclusive
12 purpose of verifying the lawful presence of noncitizen applicants for a driver's license or
13 nondriver identification card.

14 **Sec. 9. Development of method to avoid duplication.** Notwithstanding the
15 Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the
16 most cost-effective way, such as facial recognition or similar technology, to ensure that
17 an applicant does not have more than one driver's license or nondriver identification card
18 issued by the State. The Secretary of State shall make a written report of findings and
19 recommendations to the Governor and the Joint Standing Committee on Transportation
20 no later than December 1, 2008.

21 **Sec. 10. Appropriations and allocations.** The following appropriations and
22 allocations are made.

23 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

24 **Revenue Services, Bureau of 0002**

25 Initiative: Provides funding for 2 additional Revenue Agent positions assigned to the
26 Income and Estate Tax Division, to audit pass-through entity and corporate income tax
27 returns. It is estimated that gross tax revenue of \$1,000,000 in fiscal year 2008-09 and
28 \$2,000,000 each year thereafter will be generated by these positions.

29

30 GENERAL FUND	2007-08	2008-09
31 POSITIONS - LEGISLATIVE COUNT	0.000	2.000
32 Personal Services	\$0	\$139,098
33 All Other	\$0	\$30,762
34		
35 GENERAL FUND TOTAL	\$0	\$169,860

36 **Sec. 11. Appropriations and allocations.** The following appropriations and
37 allocations are made.

38 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

1 **Revenue Services, Bureau of 0002**

2 Initiative: Provides funding for an additional Management Analyst I position assigned to
3 the Tax Compliance Unit, to identify leads for income tax nonfilers and under-reporters
4 from pass-through entities and real estate transfers. It is anticipated that gross tax
5 revenue of \$500,000 will be generated by this position each year.

6

7 GENERAL FUND	2007-08	2008-09
8 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
9 Personal Services	\$0	\$62,648
10 All Other	\$0	\$10,534
11		
12 GENERAL FUND TOTAL	<u>\$0</u>	<u>\$73,182</u>

13 **SUMMARY**

14 This bill requires the Secretary of State to issue driver's licenses and nondriver
15 identification cards only to individuals who present documentary evidence of legal
16 presence in the United States.

17 The bill requires any license or nondriver identification card issued to a lawfully
18 present noncitizen to expire coterminously with that noncitizen's authorized duration of
19 stay or 6 years, whichever is a shorter period of time.

20 The bill requires the Secretary of State to participate in the federal Systematic Alien
21 Verification for Entitlements Program maintained by United States Citizenship and
22 Immigration Services.

23 The bill requires the Secretary of State to develop and implement the most cost-
24 effective way to ensure that an applicant does not have more than one driver's license or
25 nondriver identification card issued by the State.

26 To partially cover the costs to be incurred by the Secretary of State associated with
27 these and related measures, the bill increases the fee for a 6-year noncommercial driver's
28 license from \$30 to \$36 and dedicates the \$6 increase to the Other Special Revenue
29 Funds account of the Secretary of State.

30 This bill also provides funding for 3 positions in the Department of Administrative
31 and Financial Services, Bureau of Revenue Services to generate revenue through stricter
32 auditing of pass-through entity and corporate income tax returns.