

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1357

Date: 5-26-09

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TRANSPORTATION

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 492, L.D. 1357, Bill, "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

Amend the bill in section 5 in subsection 6-A in the first line (page 1, line 21 in L.D.) by striking out the following: "The" and inserting the following: 'Except as required by federal law, the'

Amend the bill in section 6 by striking out all of subsection 6 (page 1, lines 27 to 32 in L.D.) and inserting the following:

'6. Storage, recording, retention and distribution of digital information. Digital image information used to produce a license is confidential and may be distributed only as required to comply with the provisions of 18 United States Code, Chapter 123, except that digital image information may not be distributed to sales and marketing companies or to the public. The Secretary of State may store, record and retain digital information used to produce a license solely for the purpose of producing duplicate licenses and for renewal of licenses. Digital information used to produce a license may be distributed only to a law enforcement agency. A violation of this subsection is a violation of section 2103, subsection 4.'

Amend the bill by striking out all of sections 7 and 8 and inserting the following:

'Sec. 7. 29-A MRSA §1401, sub-§9 is enacted to read:

'9. Use of biometric technology. The Secretary of State may not use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology to produce a license or nondriver identification card. This subsection does not apply to digital photographs.'

Amend the bill by inserting after section 9 the following:

'Sec. 10. 29-A MRSA §1410, sub-§5, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place:

'5. Storage, recording, retention and distribution of digital information. Digital information used to produce a nondriver identification card is confidential. The Secretary

COMMITTEE AMENDMENT

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1 of State may store, record and retain digital information used to produce a nondriver
2 identification card solely for the purpose of producing duplicate nondriver identification
3 cards and for renewal of nondriver identification cards. Digital information used to
4 produce a nondriver identification card may be distributed only to a law enforcement
5 agency. A violation of this subsection is a violation of section 2103, subsection 4.'

6 Amend the bill by inserting after section 16 the following:

7 'Sec. 17. Appropriations and allocations. The following appropriations and
8 allocations are made.

9 **SECRETARY OF STATE, DEPARTMENT OF**

10 **Administration - Motor Vehicles 0077**

11 Initiative: Eliminates 5 limited-period Customer Representative Associate II positions
12 and related All Other costs.

13	HIGHWAY FUND	2009-10	2010-11
14	Personal Services	(\$184,664)	(\$246,218)
15	All Other	(\$10,075)	(\$13,434)
16			
17	HIGHWAY FUND TOTAL	(\$194,739)	(\$259,652)

18	SECRETARY OF STATE, DEPARTMENT OF		
19	DEPARTMENT TOTALS	2009-10	2010-11
20			
21	HIGHWAY FUND	(\$194,739)	(\$259,652)
22			
23	DEPARTMENT TOTAL - ALL FUNDS	(\$194,739)	(\$259,652)

24 **TRANSPORTATION, DEPARTMENT OF**

25 **Highway and Bridge Capital 0406**

26 Initiative: Provides Capital Expenditures funding.

27	HIGHWAY FUND	2009-10	2010-11
28	Capital Expenditures	\$194,739	\$259,652
29			
30	HIGHWAY FUND TOTAL	\$194,739	\$259,652

31	TRANSPORTATION, DEPARTMENT OF		
32	DEPARTMENT TOTALS	2009-10	2010-11
33			

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COMMITTEE AMENDMENT "A" to S.P. 492, L.D. 1357

1	HIGHWAY FUND	\$194,739	\$259,652
2			
3	DEPARTMENT TOTAL - ALL FUNDS	\$194,739	\$259,652
4	SECTION TOTALS	2009-10	2010-11
5			
6	HIGHWAY FUND	\$0	\$0
7			
8	SECTION TOTAL - ALL FUNDS	\$0	\$0
9			

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

12 **SUMMARY**

13 The amendment, which is the majority report of the Joint Standing Committee on
14 Transportation, provides that the Secretary of State may not disseminate social security
15 numbers to any entity without legislative authorization unless it is required by federal
16 law.

17 The amendment also provides that digital information used to produce a license or
18 nondriver identification card is confidential. The amendment further clarifies that the
19 Secretary of State may store, record and retain digital information used to produce a
20 driver's license or nondriver identification card solely for the purpose of producing
21 duplicate driver's licenses or nondriver identification cards and for renewal of driver's
22 licenses or nondriver identification cards. Finally, the amendment provides that digital
23 information used to produce a driver's license or nondriver identification card may be
24 distributed only to a law enforcement agency.

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

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1357

LR 1751(02)

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

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

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
Highway Fund	\$0	\$0	(\$259,652)	(\$259,652)
Appropriations/Allocations				
Highway Fund	\$0	\$0	(\$259,652)	(\$259,652)

Fiscal Detail and Notes

This bill repeals the requirement that the Secretary of State review for legal presence prior to issuing drivers licenses and nondriver identification cards. It will result in a Highway Fund deallocation of \$194,739 in fiscal year 2009-10 and \$259,652 in fiscal year 2010-11 to the Secretary of State for eliminating 5 limited-period Customer Representative Associate II positions and related administrative costs. It also results in an allocation of Capital Expenditures funds to the Department of Transportation, Highway and Bridge Capital program, in the same amount.