

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1357

S.P. 492

In Senate, April 2, 2009

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

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Reference to the Committee on Transportation suggested and ordered printed.

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock.

Cosponsored by Representative PIOTTI of Unity and

Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRYANT of Oxford, GERZOFKY of Cumberland, GOOLEY of Franklin, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: BERRY of Bowdoinham, BRYANT of Windham, BUTTERFIELD of Bangor, CAIN of Orono, CAREY of Lewiston, CLEARLY of Houlton, FLEMINGS of Bar Harbor, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HINCK of Portland, MacDONALD of Boothbay, MARTIN of Eagle Lake, MAZUREK of Rockland, PERCY of Phippsburg, Speaker PINGREE of North Haven, PRATT of Eddington, PRIEST of Brunswick, RUSSELL of Portland, SCHATZ of Blue Hill.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶N**, as amended by PL 2005, c. 381, §2, is further  
3 amended to read:

4 N. Social security numbers in the possession of the Department of Inland Fisheries  
5 and Wildlife; and

6 **Sec. 2. 1 MRSA §402, sub-§3, ¶O**, as amended by PL 2007, c. 597, §1, is further  
7 amended to read:

8 O. Personal contact information concerning public employees, except when that  
9 information is public pursuant to other law. For the purposes of this paragraph:

10 (1) "Personal contact information" means home address, home telephone  
11 number, home facsimile number, home e-mail address and personal cellular  
12 telephone number and personal pager number; and

13 (2) "Public employee" means an employee as defined in Title 14, section 8102,  
14 subsection 1, except that "public employee" does not include elected officials;  
15 and

16 **Sec. 3. 1 MRSA §402, sub-§3, ¶P** is enacted to read:

17 P. Social security numbers in the possession of the Secretary of State.

18 **Sec. 4. 29-A MRSA §1301, sub-§2-A**, as enacted by PL 2007, c. 648, §1, is  
19 repealed.

20 **Sec. 5. 29-A MRSA §1301, sub-§6-A** is enacted to read:

21 6-A. Confidentiality. The Secretary of State may not disseminate information  
22 collected under subsection 6 to any entity without specific authorization from the  
23 Legislature. For every willful violation of this subsection, a person commits a civil  
24 violation for which a fine of not more than \$500 may be adjudged.

25 **Sec. 6. 29-A MRSA §1401, sub-§6**, as enacted by PL 1999, c. 470, §24, is  
26 amended to read:

27 **6. Distribution of digital image.** Digital image information used to produce a  
28 license is confidential and may be distributed only as required to comply with the  
29 provisions of 18 United States Code, ~~Chapter 123~~ Section 2721, except that digital image  
30 information may not be distributed ~~to~~ for sales and marketing ~~companies~~ purposes or to  
31 nongovernmental entities or to the public. A violation of this subsection is a violation of  
32 section 2103, subsection 4.

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

34 **9. Retention of digital information.** The storage, recording or retention of digital  
35 image information used to produce a license is prohibited.



- 1           5. Prohibits the Secretary of State from use of biometric technology, such as retinal  
2 scans, facial recognition or fingerprint technology but not including digital photographs  
3 in the production or storing of license information;
- 4           6. Repeals the requirement that the Secretary of State participate in the federal  
5 Systematic Alien Verification for Entitlements Program, the centralized database system  
6 used and maintained by the United States Citizenship and Immigration Services;
- 7           7. Repeals the requirement that the Secretary of State study the most cost-effective  
8 facial recognition or fingerprint technology;
- 9           8. Provides that cost savings as a result of this Act must be allocated to the Highway  
10 and Bridge Capital Program within the Department of Transportation; and
- 11           9. Does not change the current requirement that an applicant for a Maine driver's  
12 license or state identification card must provide proof of residency.