

MAINE STATE LEGISLATURE

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L.D. 1068

Date: 5/3/11

(Filing No. H-177)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 803, L.D. 1068, Bill, "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

Amend the bill by striking out all of section 4.

Amend the bill in section 5 in subsection 6-A in the first line (page 1, line 25 in L.D.) by striking out the following: "The" and inserting the following: 'Except as authorized under 18 United States Code, Section 2721, the'

Amend the bill by striking out all of sections 6 to 15 and inserting in their place the following:

Sec. 6. 29-A MRSA §1401, sub-§6, as enacted by PL 1999, c. 470, §24, is repealed and the following enacted in its place:

6. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

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 images.

Sec. 8. 29-A MRSA §1410, sub-§5, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place: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 images and digitized signatures. Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law

COMMITTEE AMENDMENT

1 enforcement agency in carrying out its functions or as otherwise authorized under the
2 provisions of 18 United States Code, Section 2721. The Secretary of State may store,
3 record and retain digital images and digitized signatures used only for the purpose of
4 producing a nondriver identification card. A violation of this subsection is a violation of
5 section 2103, subsection 4.'

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

8 **SUMMARY**

9 This amendment:

10 1. Strikes the repeal of the requirement that the Secretary of State issue driver's
11 licenses and nondriver identification cards only to individuals who present documentary
12 evidence of legal presence in the United States;

13 2. Provides that the Secretary of State may not disseminate social security numbers to
14 any entity without legislative authorization unless it is authorized by the federal Driver's
15 Privacy Protection Act of 1994;

16 3. Provides that digital images and digitized signatures used to produce a driver's
17 license or nondriver identification card are confidential;

18 4. Clarifies that the Secretary of State may store, record and retain digital images and
19 digitized signatures used to produce a driver's license or nondriver identification card
20 solely for the purpose of producing driver's licenses or nondriver identification cards;

21 5. Provides that digital images and digitized signatures used to produce a driver's
22 license or nondriver identification card may be distributed only to a law enforcement
23 agency;

24 6. Strikes the repeal of the requirement that the Secretary of State participate in the
25 federal Systematic Alien Verification for Entitlements Program, the centralized database
26 system used and maintained by United States Citizenship and Immigration Services; and

27 7. Strikes the repeal of the requirement that a license or nondriver identification card
28 of a noncitizen or legal permanent resident expires at the end of the person's authorized
29 duration of stay in the United States.