

# MAINE STATE LEGISLATURE

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R O F S

L.D. 306

Date: 4/11/17

(Filing No. H-29 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 92,  
L.D. 306, Bill, "An Act To Require State Compliance with Federal REAL ID Guidelines"

Amend the amendment in section 1 in §1260 in the first paragraph in the last line (page 1, line 19 in amendment) by adding after the following: "license." the following: 'The Secretary of State shall provide notice to an applicant at the time of application of the document retention policies of the Secretary of State governing documents provided by an applicant.'

Amend the amendment in section 2 in subsection 2-A in the last line (page 1, line 28 in amendment) by adding after the following: "1964." the following: 'The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a license pursuant to section 1260.'

Amend the amendment by inserting after section 2 the following:

**'Sec. 3. 29-A MRSA §1301, sub-§6-A,** as enacted by PL 2011, c. 149, §4, is amended to read:

**6-A. Confidentiality.** Except as authorized under 18 United States Code, Section 2721, the Secretary of State may not disseminate information collected under subsection 6 to any entity ~~without specific authorization from the Legislature~~. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

**Sec. 4. 29-A MRSA §1301, sub-§11,** as enacted by PL 2007, c. 659, §1, is amended to read:

**11. Residency requirement.** A license may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. The Secretary of State may exempt from the requirements of this subsection a person who has established to the satisfaction of the Secretary of State that the person is on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State.

ROFS

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A. Acceptable documentary evidence of a person's residence or domicile in this State must include the applicant's name and the address of the person's residence or domicile in this State. A post office box or other mail drop address is not sufficient. Acceptable documentary evidence includes, but is not limited to:

- (1) A tax return, W-2 form or paycheck stub;
- (2) A utility bill or a letter from a utility company showing application for service;
- (3) A contract to which the applicant is a party; or
- (4) A document issued by a governmental entity.

B. A person who is unable to provide acceptable documentary evidence pursuant to paragraph A may meet the requirements of this subsection by:

- (1) Submitting the affidavits of 2 individuals who have a personal or professional relationship with the person and knowledge of the person and the person's residence or domicile, which may include a shelter, in this State. A single affidavit signed by a parent or guardian of a minor making an application is sufficient for the purposes of this paragraph. The Secretary of State may reject any affidavit the Secretary of State determines to be insufficient to meet the requirements of this subsection. The affidavit is a sworn statement and a false statement by the affiant constitutes false swearing, which is a violation of Title 17-A, section 452. The Secretary of State shall provide forms for the completion of affidavits. These forms must state: "By signing this statement I verify that the representations herein are true. By making false statements on this document, I realize I am committing a Class D crime punishable under Maine law."; or
- (2) By taking an oath or affirmation before the Secretary of State swearing to the person's residence or domicile, which may include a shelter.

An applicant who supplies false information pursuant to this subsection makes a material misstatement of fact described in section 2103 and is subject to the penalties under that section.

The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a license pursuant to section 1260.'

Amend the amendment in section 3 in subsection 9 in the 3rd line (page 1, line 33 in amendment) by inserting after the following: "card" the following: 'pursuant to section 1260'

Amend the amendment by inserting after section 5 the following:

**'Sec. 6. 29-A MRSA §1410, sub-§1, as repealed and replaced by PL 2007, c. 659, §2, is amended to read:**

# HOUSE AMENDMENT

ROFS

1 **1. Application.** A nondriver identification card may not be issued to a person unless  
2 the person presents acceptable documentary evidence of the person's residence or  
3 domicile in this State. A post office box or mail drop address alone is not sufficient to  
4 meet this requirement. A person on active duty in the United States Armed Forces, the  
5 spouse or child of a person on active duty in the United States Armed Forces or a student  
6 enrolled in a university, college or school within the State may apply for a nondriver  
7 identification card without establishing a Maine residence or domicile. The documents  
8 acceptable to establish residence or domicile must include the applicant's name and the  
9 address of the person's residence or domicile in this State. Acceptable documentary  
10 evidence under this subsection is the same as for a license under section 1301, subsection  
11 11, paragraphs A and B. The Secretary of State may not provide a document or a copy of  
12 a document collected pursuant to this subsection to a person other than a law enforcement  
13 agency. The Secretary of State may not copy, scan or store a document collected  
14 pursuant to this subsection except for a document collected in connection with the  
15 issuance of a nondriver identification card pursuant to section 1260.

16 A. The application form must include, directly above the signature line, the  
17 following notice to the applicant: "I understand that knowingly supplying false  
18 information on this form is a Class D crime under Title 17-A, punishable by  
19 confinement of up to 364 days or by monetary fine of up to \$2,000, or both."

20 Amend the amendment in section 6 in subsection 8 in the last line (page 3, line 3 in  
21 amendment) by adding after the following: "1964." the following: 'The Secretary of State  
22 may not provide a document or a copy of a document collected pursuant to this  
23 subsection to a person other than a law enforcement agency. The Secretary of State may  
24 not copy, scan or store a document collected pursuant to this subsection except for a  
25 document collected in connection with the issuance of a nondriver identification card  
26 pursuant to section 1260.'

27 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
28 or section number to read consecutively.

### SUMMARY

29  
30 This amendment makes the following changes to the laws governing the issuance of  
31 driver's licenses and nondriver identification cards.

32 1. It requires the Secretary of State to provide notice to an applicant for a REAL ID  
33 compliant driver's license or nondriver identification card at the time of application of the  
34 document retention policies of the Secretary of State governing documents provided by  
35 an applicant.

36 2. It prohibits the Secretary of State from providing a document or a copy of a  
37 document collected in connection with the issuance of a driver's license or nondriver  
38 identification card to a person other than a law enforcement agency. It prohibits the  
39 Secretary of State from copying, scanning or storing a document collected in connection  
40 with the issuance of a driver's license or nondriver identification card except for a  
41 document collected in connection with the issuance of a REAL ID compliant driver's  
42 license or nondriver identification card.

# HOUSE AMENDMENT

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 92, L.D. 306

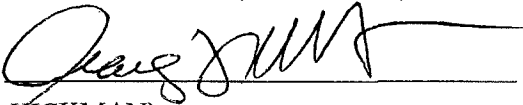
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3. It clarifies that the Secretary of State may not disseminate social security numbers collected in connection with the issuance of a driver's license or nondriver identification card.

4. It provides that the Secretary of State may use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, only to produce a REAL ID compliant driver's license or nondriver identification card.

**FISCAL NOTE REQUIRED**

(See attached)

SPONSORED BY: 

(Representative HICKMAN)

TOWN: Winthrop



Approved: 04/10/17 *MAC*

# 128th MAINE LEGISLATURE

LD 306

LR 1220(06)

**An Act To Require State Compliance with Federal REAL ID Guidelines**

**Fiscal Note for House Amendment "A" to Committee Amendment "A"**

**Sponsor: Rep. Hickman of Winthrop**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with providing notice to applicants of certain retention policies can be absorbed within existing budgeted resources.