

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds that it is imperative to strengthen and implement residency requirements for the issuance of a Maine driver's license or a nondriver identification card, without delay; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRS §1301, sub-§11 is enacted 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.

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 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 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."

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.

Sec. 2. 29-A MRSA §1301, sub-§12 is enacted to read:

12. Legal presence requirement. Except as provided in section 1305, the Secretary of State may not issue a license to any applicant who has not presented to the Secretary of State with the application valid documentary evidence that the applicant is either:

- A. A citizen of the United States;
- B. A legal permanent resident of the United States; or
- C. A conditional resident alien of the United States.

Sec. 3. 29-A MRSA §1305, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 4. 29-A MRSA §1305, sub-§4 is enacted to read:

4. Temporary legal presence. In addition to the requirements under subsection 2, an applicant may be issued a temporary license if that person presents in person any of the following valid documentary evidence as established by the federal Department of Homeland Security:

- A. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- B. A pending or approved application for asylum in the United States;
- C. Documentary evidence of entry into the United States in refugee status;
- D. A pending or approved application for temporary protected status in the United States;
- E. Documentary evidence of approved deferred action status; or

F. A pending application for adjustment of status to legal permanent residence status or conditional resident status.

A temporary license issued pursuant to this subsection is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. Any temporary license issued pursuant to this subsection must clearly indicate that it is temporary and must state the date that it expires. A temporary license issued pursuant to this subsection may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license has been extended by the United States Citizenship and Immigration Services within the federal Department of Homeland Security.

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

5. Fee; 6-year license. The fee for the 6-year noncommercial driver's license is \$30\$31.

Sec. 6. 29-A MRSA §1410, sub-§1, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place:

1. Application. A nondriver identification card may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. A post office box or mail drop address alone is not sufficient to meet this requirement. A person 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 may apply for a nondriver identification card without establishing a Maine residence or domicile. The documents acceptable to establish a residence or domicile must include the applicant's name and the address of the person's residence or domicile in this State. Acceptable documentary evidence under this subsection is the same as for a license under section 1301, subsection 11, paragraphs A and B.

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

Sec. 7. 29-A MRSA §1410, sub-§8 is enacted to read:

8. Legal presence requirement. Except as provided in subsection 9, the Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State with the application valid documentary evidence that the applicant is either:

- A. A citizen of the United States;
- B. A legal permanent resident of the United States; or
- C. A conditional resident alien of the United States.

This subsection does not apply to an applicant for a nondriver identification card who has previously held a Maine-issued driver's license or nondriver identification card as long as the applicant's license or nondriver identification card has not been expired for more than 5 years.

Sec. 8. 29-A MRSA §1410, sub-§9 is enacted to read:

9. Temporary legal presence. An applicant may be issued a temporary nondriver identification card if that person presents in person any of the following valid documentary evidence as established by the federal Department of Homeland Security:

- A. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- B. A pending or approved application for asylum in the United States;
- C. Documentary evidence of entry into the United States in refugee status;
- D. A pending or approved application for temporary protected status in the United States;
- E. Documentary evidence of approved deferred action status; or
- F. A pending application for adjustment of status to legal permanent resident status or conditional resident status.

Notwithstanding subsection 4, a temporary nondriver identification card issued pursuant to this subsection is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. A temporary nondriver identification card issued pursuant to this subsection must clearly indicate that it is temporary and must state the date that it expires. A temporary nondriver identification card issued pursuant to this subsection may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary nondriver identification card has been extended by the United States Citizenship and Immigration Services within the federal Department of Homeland Security.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles 0077

Initiative: Provides an allocation for 6½ Motor Vehicle Customer Service Representative positions and related All Other costs to allow for every applicant for a driver's license to visit a branch office and provide evidence of residency and proof of U.S. citizenship.

HIGHWAY FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	6.500	6.500
Personal Services	\$83,129	\$352,690

All Other	\$130,536	\$16,658
	<hr/>	
HIGHWAY FUND TOTAL	\$213,665	\$369,348

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.’

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Transportation, provides that a Maine driver’s license or nondriver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person’s residence or domicile in Maine. A person 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 Maine are exempt from these requirements.

This amendment also provides that the Secretary of State may not issue a license or nondriver identification card to any applicant who has not presented evidence that the applicant is either a citizen of the United States, a legal permanent resident of the United States, or a conditional resident alien of the United States. The amendment also provides that a temporary driver’s license or nondriver identification card may be issued to a person that presents in person any of the following documentary evidence:

1. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
2. A pending or approved application for asylum in the United States;
3. Documentary evidence of entry into the United States in refugee status;
4. A pending or approved application for temporary protected status in the United States;
5. Documentary evidence of approved deferred action status; or
6. A pending application for adjustment of status to legal permanent resident status or conditional resident status.

The amendment also increases the fee for the 6-year noncommercial driver’s license by \$1 and adds an appropriations and allocations section.

FISCAL NOTE REQUIRED (See attached)