

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

An Act To Enhance the Security of State Credentials

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

Sec. 1. 29-A MRSA §1301, sub-§2-A is enacted to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 2. 29-A MRSA §1406, sub-§9 is enacted to read:

9. Expiration of license; lawfully present noncitizens. Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.

Sec. 3. 29-A MRSA §1410, sub-§8 is enacted to read:

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 4. 29-A MRSA §1410, sub-§9 is enacted to read:

9. Expiration of nondriver identification card; lawfully present noncitizens. Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 120 days.

Sec. 5. Rulemaking; legal presence for license and identification cards; draft rules. No later than November 15, 2008, the Secretary of State shall adopt rules governing what documents constitute valid documentary evidence to establish legal presence pursuant to the Maine Revised Statutes, Title 29-A, section 1301, subsection 2-A and Title 29-A, section 1410, subsection 8. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Participation in verification program; report. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards.

No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.

Sec. 7. Development of method to avoid duplication. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way, such as facial recognition or fingerprint technology, to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 8. Photographs. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 9. Federal REAL ID Act of 2005; repeal. If the United States Congress repeals the federal REAL ID Act of 2005, the Secretary of State shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act. Upon receipt and review of that proposed legislation, the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits that proposed legislation.

Effective July 18, 2008