

Annual List of Rulemaking Activity
Rules Adopted January 1, 2022 to December 31, 2022
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29 MRS §153
Chapter number/title: **Ch. 15**, Rules Governing Acceptable Documents to Establish
Legal Presence
Filing number: **2022-221**
Effective date: 11/13/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These rules, first published in 2008, implement the provisions of 29-A MRS §§ 1301(2-A) and 1410(8) which prohibit the Secretary of State from issuing a driver's license or nondriver identification card to an individual unless the individual presents valid documentary evidence of legal presence in the United States. The rule changes being proposed update the existing guidance, bringing Maine's practices into compliance with federal law changes since this chapter was originally published. These changes will clarify procedures for BMV staff, increasing efficiency and effectiveness, which will ultimately improve customer service.

Basis statement:

These rules implement the provisions of 29-A MRS §§ 1301(2-A) and 1410(8) which prohibit the Secretary of State from issuing a driver's license or nondriver identification card to an individual unless the individual presents valid documentary evidence of legal presence in the United States. These rules describe the documents that may be accepted to establish evidence of legal presence in the United States. These rules do not apply to credentials issued under the federal REAL ID Act which are governed by federal regulations at 6 CFR §37 *et seq.*

The rules identify the general criteria for acceptable documents and provide Bureau staff with guidance on specific acceptable documents and alternative documents to establish evidence of legal presence for both citizens and non-citizens. Additionally, the rules outline appropriate expiration dates for driver's licenses and nondriver identification cards.

These changes will clarify procedures for BMV staff, increasing efficiency and effectiveness, which will ultimately improve customer service. Careful consideration was given to the development of criteria for acceptable documentary evidence, in order to ensure that citizens and noncitizens who are legally present in the United States have the opportunity to provide evidence of such.

Fiscal impact of rule:

None.

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Agency name: Secretary of State, **Bureau of Motor Vehicles**
Umbrella-Unit: **29-250**
Statutory authority: 29 MRS §453 sub-§3-C
Chapter number/title: **Ch. 172**, Rules Governing the Issuance of Vanity
Registration Plates
Filing number: **2022-190**
Effective date: 10/1/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule implements 29-A MRS §453, subsections 3-A and 3-B, which authorize the Secretary of State to refuse to issue and to recall certain non-compliant vanity registration plates and describes the process for review of the Secretary of State's decision to refuse to issue or recall a vanity registration plate.

Basis statement:

The Bureau of Motor Vehicles has seen a rise in the number of registration plates with explicit profanity, slurs, references to illegal activity and more on Maine roads.

Title 29-A §463 states that these plates in fact are and remain the property of the State of Maine. The government has a clear and compelling interest in regulating speech on government property to protect public safety and the peace. Incitement to violence, profanity, ethnic, racial, religious, or other slurs, or reference to illegal or criminal activity - all of which unfortunately can be seen on Maine registration plates today - are all directly contrary to the public interest.

This rule is adopted in the interest of advancing public safety, peace, and civility.

Fiscal impact of rule:

None.