



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1068

H.P. 803

House of Representatives, March 15, 2011

### **An Act To Protect the Privacy of Maine Residents under the Driver's License Laws**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CHIPMAN of Portland.  
Cosponsored by Senator THOMAS of Somerset and  
Representatives: CAIN of Orono, CUSHING of Hampden, HAYES of Buckfield, HOGAN of  
Old Orchard Beach, MAZUREK of Rockland, PEOPLES of Westbrook, THERIAULT of  
Madawaska, WILLETTE of Mapleton.

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

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶P**, as corrected by RR 2009, c. 1, §2, is amended  
3 to read:

4 P. Geographic information regarding recreational trails that are located on private  
5 land that are authorized voluntarily as such by the landowner with no public deed or  
6 guaranteed right of public access, unless the landowner authorizes the release of the  
7 information; ~~and~~

8 **Sec. 2. 1 MRSA §402, sub-§3, ¶Q**, as reallocated by RR 2009, c. 1, §3, is  
9 amended to read:

10 Q. Security plans, staffing plans, security procedures, architectural drawings or risk  
11 assessments prepared for emergency events that are prepared for or by or kept in the  
12 custody of the Department of Corrections or a county jail if there is a reasonable  
13 possibility that public release or inspection of the records would endanger the life or  
14 physical safety of any individual or disclose security plans and procedures not  
15 generally known by the general public. Information contained in records covered by  
16 this paragraph may be disclosed to state and county officials if necessary to carry out  
17 the duties of the officials, the Department of Corrections or members of the State  
18 Board of Corrections under conditions that protect the information from further  
19 disclosure; and

20 **Sec. 3. 1 MRSA §402, sub-§3, ¶R** is enacted to read:

21 R. Social security numbers in the possession of the Secretary of State.

22 **Sec. 4. 29-A MRSA §1301, sub-§2-A**, as enacted by PL 2007, c. 648, §1, is  
23 repealed.

24 **Sec. 5. 29-A MRSA §1301, sub-§6-A** is enacted to read:

25 **6-A. Confidentiality.** The Secretary of State may not disseminate information  
26 collected under subsection 6 to any entity without specific authorization from the  
27 Legislature. For every willful violation of this subsection, a person commits a civil  
28 violation for which a fine of not more than \$500 may be adjudged.

29 **Sec. 6. 29-A MRSA §1401, sub-§6**, as enacted by PL 1999, c. 470, §24, is  
30 amended to read:

31 **6. Distribution of digital image.** Digital image information used to produce a  
32 license is confidential and may be distributed only as required to comply with the  
33 provisions of 18 United States Code, ~~Chapter 123~~ Section 2721, except that digital image  
34 information may not be distributed ~~to~~ for sales and marketing companies purposes or to  
35 nongovernmental entities or to the public. A violation of this subsection is a violation of  
36 section 2103, subsection 4.

37 **Sec. 7. 29-A MRSA §1401, sub-§9** is enacted to read:



- 1           4. Restricts the distribution and retention of digital information used to produce a  
2 license;
- 3           5. Prohibits the Secretary of State from use of biometric technology, such as retinal  
4 scans, facial recognition or fingerprint technology, but not including digital photographs  
5 in the production or storing of license information;
- 6           6. Repeals the requirement that the Secretary of State participate in the federal  
7 Systematic Alien Verification for Entitlements Program, the centralized database system  
8 used and maintained by the United States Citizenship and Immigration Services;
- 9           7. Repeals the requirement that the Secretary of State study the most cost-effective  
10 technology to prevent driver's license or nondriver identification card duplication;
- 11          8. Provides that cost savings as a result of this Act must be allocated to the Highway  
12 and Bridge Capital program within the Department of Transportation;
- 13          9. Does not change the current requirement that an applicant for a Maine driver's  
14 license or nondriver identification card must provide proof of residency; and
- 15          10. Repeals the requirement that a license or nondriver identification card of a  
16 noncitizen or legal permanent resident expires at the end of the licensee's authorized  
17 duration of stay in the United States.