

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
H.P. 803 - L.D. 1068

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

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

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

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

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

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

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

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

**Sec. 4. 29-A MRSA §1301, sub-§6-A** is enacted 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**Sec. 5. 29-A MRSA §1401, sub-§6**, as enacted by PL 1999, c. 470, §24, is repealed and the following enacted in its place:

**6. Storage, recording, retention and distribution of digital images and digitized signatures.** Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

**Sec. 6. 29-A MRSA §1401, sub-§9** is enacted to read:

**9. Use of biometric technology.** The Secretary of State may not use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or nondriver identification card. This subsection does not apply to digital images.

**Sec. 7. 29-A MRSA §1410, sub-§5**, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place:

**5. Storage, recording, retention and distribution of digital images and digitized signatures.** Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a nondriver identification card. A violation of this subsection is a violation of section 2103, subsection 4.

**Sec. 8. PL 2007, c. 648, §9** is repealed.

**Sec. 9. Allocation of funds.** Cost savings as a result of this Act must be allocated to the Highway and Bridge Capital program within the Department of Transportation.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor