| 1 | L.D. 306 |
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| 2 | Date: (Filing No. H-) |
| 3 | Reproduced and distributed under the direction of the Clerk of the House. |
| 4 | STATE OF MAINE |
| 5 | HOUSE OF REPRESENTATIVES |
| 6 | 128TH LEGISLATURE |
| 7 | FIRST REGULAR SESSION |
| 8 9 | HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 92, L.D. 306, Bill, "An Act To Require State Compliance with Federal REAL ID Guidelines" |
| 10 11 12 13 14 | Amend the amendment in section 1 in §1260 in the first paragraph in the last line (page 1, line 19 in amendment) by adding after the following: "license." the following: 'The Secretary of State shall provide notice to an applicant at the time of application of the document retention policies of the Secretary of State governing documents provided by an applicant.' |
| 15 16 17 18 19 20 | Amend the amendment in section 2 in subsection 2-A in the last line (page 1, line 28 in amendment) by adding after the following: "1964." the following: 'The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a license pursuant to section 1260.' |
| 21 | Amend the amendment by inserting after section 2 the following: |
| 22 23 | 'Sec. 3. 29-A MRSA §1301, sub-§6-A, as enacted by PL 2011, c. 149, §4, is amended to read: |
| 24 25 26 27 28 | 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. |
| 29 30 | Sec. 4. 29-A MRSA §1301, sub-§11, as enacted by PL 2007, c. 659, §1, is amended to read: |
| 31 32 33 34 35 36 37 | 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. |

| 1 2 3 4 | 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: |
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| 5 | (1) A tax return, W-2 form or paycheck stub; |
| 6 7 | (2) A utility bill or a letter from a utility company showing application for service; |
| 8 | (3) A contract to which the applicant is a party; or |
| 9 | (4) A document issued by a governmental entity. |
| 10 11 | B. A person who is unable to provide acceptable documentary evidence pursuant to paragraph A may meet the requirements of this subsection by: |
| 12 13 14 15 16 17 18 19 20 21 22 23 24 | (1) 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, which may include a shelter, 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."; or (2) By taking an oath or affirmation before the Secretary of State swearing to the person's residence or domicile, which may include a shelter. |
| 26 27 28 | 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. |
| 29 30 31 32 33 | The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a license pursuant to section 1260.' |
| 34 35 36 | Amend the amendment in section 3 in subsection 9 in the 3rd line (page 1, line 33 in amendment) by inserting after the following: "card" the following: 'pursuant to section 1260' |
| 37 | Amend the amendment by inserting after section 5 the following: |

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'Sec. 6. 29-A MRSA §1410, sub-§1, as repealed and replaced by PL 2007, c.

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659, §2, is amended to read:

HOUSE AMENDMENT

- 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 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. The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a nondriver identification card pursuant to section 1260.
 - 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."

Amend the amendment in section 6 in subsection 8 in the last line (page 3, line 3 in amendment) by adding after the following: "1964." the following: 'The Secretary of State may not provide a document or a copy of a document collected pursuant to this subsection to a person other than a law enforcement agency. The Secretary of State may not copy, scan or store a document collected pursuant to this subsection except for a document collected in connection with the issuance of a nondriver identification card pursuant to section 1260.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

29 SUMMARY

This amendment makes the following changes to the laws governing the issuance of driver's licenses and nondriver identification cards.

- 1. It requires the Secretary of State to provide notice to an applicant for a REAL ID compliant driver's license or nondriver identification card at the time of application of the document retention policies of the Secretary of State governing documents provided by an applicant.
- 2. It prohibits the Secretary of State from providing a document or a copy of a document collected in connection with the issuance of a driver's license or nondriver identification card to a person other than a law enforcement agency. It prohibits the Secretary of State from copying, scanning or storing a document collected in connection with the issuance of a driver's license or nondriver identification card except for a document collected in connection with the issuance of a REAL ID compliant driver's license or nondriver identification card.

| 1 2 3 | It clarifies that the Secretary of State may not disseminate social security numbers collected in connection with the issuance of a driver's license or nondriver identification card. |
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| 4 5 6 | 4. It provides that the Secretary of State may use biometric technology, including but not limited to, retinal scanning, facial recognition or fingerprint technology, only to produce a REAL ID compliant driver's license or nondriver identification card. |
| 7 | FISCAL NOTE REQUIRED |
| 8 | (See attached) |
| 9 | SPONSORED BY: |
| 0 | (Representative HICKMAN) |
| 1 | TOWN: Winthrop |