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JOINT STANDING COMMITTEE ON TRANSPORTATION

Testimony of Shenna Bellows Secretary of State
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Testifying In Support Of

L.D. 1072, "An Act Regarding the Bureau of Motor Vehicles"

Senator Chipman, Representative Williams, and Members of the Joint Standing Committee on Transportation, my name is Shenna Bellows, and I am the Secretary of State and chief motor vehicle officer. I am speaking today in support of L.D. 1072.

To begin, I would like to thank Senator Chipman for sponsoring this bill on behalf of the Bureau of Motor Vehicles. This bill accomplishes several things – it makes technical changes, brings Maine in line with international law, and enhances services for customers.

Section one and two of the bill make technical adjustments to allow for enactment of section three, which gives the Secretary of State, or their designee, the ability to waive a penalty or fee. There have been numerous situations where people are saddled with unjust fees due to clerical mistakes and/or human error. For example, Senator Timberlake had a constituent who had their registration suspended due to the town clerk forgetting to collect a fee. The constituent was unknowingly driving around with a suspended registration and ultimately faced a snowball effect of legal and financial consequences due to this one mistake. Section three would give the Secretary, or their designee, discretion to waive a fee in a situation like the one just described.

Section four of the bill would restrict the carrying of weapons in any Bureau of Motor (BMV) office, including any of our branches, to on-duty or off-duty law enforcement officers. Last year, the BMV was the target of two threat incidents. One occurred at one of our branches, with a customer who brandished a weapon, and the other was received at our main office. In both instances, staff and customers were left shaken and afraid. Several states – including New Jersey, Iowa, Connecticut, Ohio, and West Virginia – have similar provisions of law that prohibit weapons from being brought onto their property.

Section five of the bill strengthens privacy protections of our data by inserting a cross reference to the federal law, the Driver Privacy Protection Act (DPPA).

Section six and section eight are related. Together, they reallocate the provisions of law governing the issuance of temporary license plates from the laws governing motor vehicle registration to the laws governing motor vehicle dealers, who issue the plates. It also changes cross-references as needed and makes a change for consistency with current law.

Section seven repeals the honorary consul license plate as the federal government has advised states not to issue them.

Section nine specifies that the issuance of a temporary registration permit for the transportation of a tiny home is for occasional transportation only. In our experience, we have seen tiny homeowners relocate their homes more than once resulting in the BMV receiving multiple requests for permits so this change would create efficiencies in that program.

Section 10 and 11 came from a constituent inquiry Senator Hickman received. These two sections codify a practice we already undertake – issuing special veteran registration plates and designated motorcycle plates to any person who has served a minimum of 20 years in the National Guard and has been honorably discharged if they can provide appropriate documentation. I will note that L.D. 128, “An Act to Increase the Limit on Sets of Special Veterans Registration Plates from 3 Sets to 4 Sets,” was unanimously voted ought to pass as amended by this committee in March. As a result of this vote, we would need to make an additional change to section 11 to bring this section in line with L.D. 128.

Section 12 requires a lienholder who participates in the electronic lien titling program to register with the Secretary of State. This change would aid the progress we are making to move towards electronic liens.

Section 13 and 14 of the bill make technical adjustments to allow for enactment of section 15, which allows for a foreign national with a valid driver’s license issued by a foreign jurisdiction to obtain a Maine driver’s license that is valid for up to one year after becoming a resident of this state. This provision is also the result of a constituent situation that was raised by Senator Grohoski, who had a Ukrainian family in her district who possessed Ukrainian licenses but questioned whether they had to get a Maine license. This provision would recognize valid licenses from foreign countries that are recognized under the 1949 Geneva Convention on Road Traffic, an international agreement which holds, among other things, that any member should honor the foreign license of “any driver admitted to its territory” for at least a year. This provision codifies our responsibilities under the 1949 convention in state statute, and create an explicit exemption for new residents with foreign licenses who have been here for less than a year.

Section 16 requires the Secretary of State to permanently revoke, without preliminary hearing, the commercial driver's license of a person who has been convicted of a felony involving an act or practice of severe forms of human trafficking in which a commercial motor vehicle was used. This requirement is mandated by federal law.

Section 17 allows the Secretary of State to provide social security numbers within the Department of the Secretary of State to implement the federal National Voter Registration Act (NVRA) of 1993, the federal Help America Vote Act (HAVA) of 2002 or other federal election law within the central voter registration system. Maine is unique in that the Bureau of Motor Vehicles and Bureau of Corporations, Elections, and Commissions are both under the jurisdiction of the Secretary of State. The communication between systems will ensure our voter lists are kept up to date and accurate.

Section 18 and 19 of the bill make technical adjustments to allow for enactment of section 20, which allows the Secretary of State to accept an application for a driver's license for a minor if the application is accompanied by evidence that the minor is an unaccompanied noncitizen minor under federal immigration law and otherwise meets the legal status criteria under state and federal law. Current law requires a minor's application to be signed by a legal guardian, but, by definition, a noncitizen minor who is unaccompanied under the law does not have a legal guardian who can sign the application.

Section 21 provides clarity by changing the categories of instructor licensure for driver education schools from Class A and Class B – which is always confusing because we also have Class A, B, and C driver licenses – to Class 1, Class 2 and Class 3 and specifies that a Class 3 instructor license authorizes the holder to teach only the classroom phase of driver education as an employee or affiliate of a licensed driver education school. This is a recommendation supported by driver education schools.

Section 22 extends the fingerprinting requirement for driver education instructors from every 5 years to every 6 years, to coincide with their instructor license renewals, which are every 2 years.

Section 23 allows the issuance of a temporary nondriver identification card to an applicant that is valid for up to 90 days. This provision would apply in situations where the individual can meet the legal presence standard but who does not have their documents or does not already have a license and needs a state ID quickly. For example, we have seen situations where an individual comes from another state and could waive in and get a temporary license, or whose personal situation does not allow for them to take the time needed to do the written exam and road test.

Section 24 provides that when a person has operated a motor vehicle in such a manner as to cause the death of a person and has been convicted of criminal homicide or attempted criminal homicide, the Secretary of State will revoke that person's driver's license for at least 5 years without further hearing upon receipt of an attested copy of the court records *as long as the attested copy is received within one year of the date of conviction*. We had an unfortunate situation last year where a constituent had been convicted of a crime and served their sentence, but at that time, the BMV had not received the appropriate court records that would trigger a revocation. It was not until last summer – years later, when they had rehabilitated themselves and returned to a productive life – that the BMV received the court documents forcing us to revoke their license. The change to this section of law would ensure appropriate timing of the revocation process.

Section 25 amends the provision of law that requires the Secretary of State to suspend without preliminary hearing for a period of at least one year a person's driver's license if the Secretary of State finds that person to have negligently operated a motor vehicle in a manner so as to cause the death of another person by clarifying that the Secretary of State is required to notify only the immediate family of the victim prior to the suspension and is required to consider written or oral statements received from the immediate family in response to the notice.

This concludes my testimony. Thank you and I would be happy to answer any questions the committee may have.