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Labor and Housing Committee

Testimony of Senator Stacey Guerin before the Joint Standing Committee on Transportation

May 4, 2021

LD 200 "An Act To Allow the Secretary of State To Refuse To Issue or To Recall a Vanity Registration Plate with Vulgar, Obscene, Contemptuous or Profane Language"

Senator Diamond, Representative Martin and esteemed members of the Transportation Committee thank you for allowing me to introduce LD 200 "An Act To Allow the Secretary of State To Refuse To Issue or To Recall a Vanity Registration Plate with Vulgar, Obscene, Contemptuous or Profane Language."

I'm sure many of you, like me, have heard from constituents upset at some of the license plates that have been issued in this state. I think it is time the legislature take action to address this. I have proposed an amendment, which I provided in my testimony that would allow the Secretary of State to deny and recall a vanity plate that consists of language that has a sexual connotation or is considered to be obscene, contemptuous, prejudicial, hostile, insulting, racially degrading, ethnically degrading, profane or vulgar.

According to a Portland Press Article from October 2019, "The state stopped screening vanity license plate requests for vulgarities in 2015 and now rejects or recalls plates only if they are likely to incite violence [...]." In that same article, I was quoted as saying, "It's an advertisement for Maine, the way life should be. I think we would be better served by having a more family-friendly license plate message. We want to promote that Maine brand of wholesome outdoor life instead of vulgarity." I stand by that comment.

Many states have restrictions concerning the language that can appear on a vanity plate. For example, in Alabama, a committee votes on possible objectionable language. In South Carolina, "The department, in its discretion, may refuse the issue of letter combinations which may carry connotations offensive to good taste and decency." South Dakota does not permit special symbols, derogatory or violent language. Other states with limitations include Arizona, Montana, Nebraska, New Hampshire, Idaho, New Jersey, New Mexico, Ohio, Pennsylvania, Texas, Vermont, Wyoming, West Virginia, Washington and Utah. I modeled my language off of Idaho's.

I know that the committee will be hearing similar pieces of legislation today, which I see as further proof that this issue is one that is important to constituents state wide. Thank you for your time and consideration. I would be happy to answer any questions.

Committee: TRA

Prepared by: SWP

Date: 4-15-21

AMENDMENT TO LD 200 – An Act To Allow the Secretary of State To Refuse To Issue or To Recall a Vanity Registration Plate with Vulgar, Obscene, Contemptuous or Profane Language

Amend the bill by striking everything after the enacting clause and before the summary and replacing it with the following:

Sec. 1. 29-A MRSA §453, sub-§3-B is enacted to read:

3-B. Additional restrictions. The Secretary of State may refuse to issue or recall a plate issued under this section that consists of language that has a sexual connotation or is considered to be obscene, contemptuous, prejudicial, hostile, insulting, racially degrading, ethnically degrading, profane or vulgar, as determined by the Secretary of State. In making a determination under this subsection the Secretary of State may consult dictionaries of general use including, but not limited to, the most recently published editions, at the time the plate is issued, of Webster's Unabridged Dictionary and the Harper & Row New Dictionary of American Slang and may consider language and number or letter combinations determined to be obscene, contemptuous, prejudicial, hostile, insulting, racially degrading, ethnically degrading, profane or vulgar by other states or state agencies. Language prohibited under this subsection includes but is not limited to:

- A. Language that refers to bodily functions, bodily fluids, intimate body parts, sexual preference or orientation, acts of violence, illegal substances or the use of illegal substances; and
- B. Language that represents a club, membership or gang that is commonly known to promote violence, illegal substances or illegal acts.

Sec. 2. 29-A MRSA §453, sub-§3-C is enacted to read:

3-C. Vanity plate complaints process. The Secretary of State shall establish a process for receiving complaints about a plate issued in violation of subsection 3-A, paragraph E or subsection 3-B, and a process for notice, hearing and issuance of a new plate to a person whose plate is recalled pursuant to a determination that the plate is in violation of subsection 3-A, paragraph E or subsection 3-B.

SUMMARY

This amendment strikes and replaces the bill, specifies that the Secretary of State may not issue and may recall a vanity plate that consists of language that has a sexual connotation or is considered to be obscene, contemptuous, prejudicial, hostile, insulting, racially degrading, ethnically degrading, profane or vulgar and what the Secretary of State may consider in making such determinations, and requires the Secretary of State to establish a process for receiving complaints about a plate issued in violation of such restrictions, and a process for notice, hearing and issuance of a new plate to a person whose plate is recalled pursuant to a determination a plate is in violation.