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Testimony of Senator Bill Diamond  
Joint Standing Committee on Transportation  
L.D. 306, "An Act To Require State Compliance with Federal REAL ID Guidelines"  
March 7, 2017

Senator Collins, Representative McLean, and Members of the Distinguished Transportation Committee,

I'm Senator Bill Diamond and I'm here to proudly present LD 306. If you and I and the rest of the Maine legislature knew in advance that there was a very serious problem brewing in our state that would:

1. Negatively impact all of our citizens who hold a Maine Driver's license
2. Make it very difficult for our veterans to access their doctors and health care.
3. Make it harder for those who do business with the federal government, such as trucking companies and delivery drivers, to do their jobs and make a living.
4. Make it harder for firefighters and police officers to obtain federal certifications and,
5. Soon - make it harder for all Mainers to board commercial airlines - if we knew we could prevent all of these dire circumstances by just passing one bill, then I know we would do it.

For more than a month now, Maine's drivers' licenses have been illegitimate at federal facilities including military bases and...the trouble is only beginning.

The good news is - through my discussions with the Department of Homeland Security Assistant Secretary, Phil McNamara and his team and again with Kim Johnson and her Homeland Security team - they assure me that if we pass this bill, thus making a commitment to comply with the Real ID Act, the department will withdraw the restrictions already in place as of January 30th of this year and bring Maine back into compliance mode. In other words, the hassles and obstructions already facing Mainers today and the chaos coming towards us will end.

10 years ago the 123rd legislature passed a law directing Maine not to comply with the federal law, the REAL ID ACT. Back then many in the legislature were concerned about jeopardizing the privacy of our citizens and we weren't sure how this new federal law would work. A decade later we now know that those concerns regarding privacy issues, according to the Department of Homeland Security, were unfounded. In fact, through my conversations with both the Assistant Sec. and Kim Johnson at DHS, 26 states that have already complied and the other 15 states and territories that are currently in the process of complying reported no travesties.

Contrary to some misinformation, the additional driver's license information required by the federal law will NOT be forwarded to Washington, DC to create a national database – in fact, this data relating to our citizens stays right here in Maine. DHS reminded me that there is a federal law that prohibits collecting such information from the states.

And, of course you, as the most knowledgeable members in the legislature when it comes to transportation issues, know full well that 25 years ago (when I was SOS) congress created the CDL program which collected personal information from thousands of Mainer truck drivers and that has worked out just fine with no serious problems.

Imagine if we had said we weren't going to follow the federal law governing commercial trucking and their drivers because of privacy issues- our economy would have been destroyed.

The fallout waiting for us today if we don't pass this bill is similar.

Currently Maine is one of only five states and the ONLY NEW ENGLAND state that has said they won't comply. DHS tells me even some of the five are now seeing the devastating consequences of refusing to comply and have started to make plans to comply.

As much as some would hope that congress would intervene and give us relief – that's not going to happen. I received a call from Congressman Poliquin last week offering his support and urging that Maine must act and not rely on congressional assistance regarding changing the federal law.

Senator King's office contacted me saying they are getting an increasing number of calls from very worried and frustrated constituents regarding the use of their drivers' licenses and his staff said Senator King was encouraging Maine to address this issue and not rely on congress.

Congresswoman Pingree tried to work on congressional legislation, but that had no chance of going anywhere. And why should it? Why should 45 other states that have either gone through the process of complying or are in the process of complying all of a sudden change the law for Maine? The answer is simple – they won't. They've all made it work and we can too.

Throughout my discussions with the Department of Homeland Security they have told me that they are directed by congress to uphold the federal, law and WILL do so – no more extensions or waivers for those states who refuse to comply. However, they are very willing to help and will do all they can to make the transition, once we pass the law.

The good news - Governor LePage supports this bill – the President of the Senate, the Republican Leadership in the Senate, the Democratic Leadership in the Senate, Speaker of the House, the Republican Leadership in the House and the Democratic Leadership in the House all support the bill.

The reason – because they all know that if we don't pass LD 306 then Maine citizens, yours and my constituents, will suffer the full brunt of the dire effects of having a state driver's license that is unauthorized for use to enter any federal building including the TSA at all commercial airports.

Believe me I know what's going to happen if we knowingly put our constituents through this bureaucratic nightmare – I've seen it once or twice before and it's bad.

The restrictions, barriers and hassles that will rain down on our helpless citizens, our businesses and our veterans will be devastating – and we as lawmakers will have no place to turn when our people back home look us in the eye and ask – WHY? WHY didn't you fix this problem when you had the chance? What were you thinking? Why?

I ask for your help in preventing all of that disruption and upheaval for those we represent – let's join together and fix this problem while we still can. That way ...there will no WHYS.