



Department of Secretary of State Bureau of Motor Vehicles

Shenna Bellows
Secretary of State

Catherine Curtis
Deputy Secretary of State

December 16, 2025

The Honorable Craig Hickman, Senate Chair
The Honorable Anne-Marie Mastraccio, House Chair
Joint Standing Committee on Government Oversight
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333

Dear Senator Hickman, Representative Mastraccio, and Members of the Government Oversight Committee,

Every roadway death is a tragedy. At the Department of Secretary of State Bureau of Motor Vehicles (BMV), our primary mission is road safety, and we grieve every time we learn of a roadway fatality. It's especially hard during the holiday season, and our hearts go out to the loved ones of every victim.

Pursuant to your request, I am providing details regarding the issuance of driver licenses to non-citizens. Both Maine law and the federal REAL ID Act require proof of citizenship or legal presence in the United States for driver licenses. At the BMV, we are committed to faithfully upholding all federal and state laws and rules. As we explained to Rep. Arata in the attached emails on which Sen. Bickford was copied, the cases of concern raised by her did not involve improper issuance of a driving credential. Both drivers were legally present within the United States at the time of issuance of their state ID or driver license.

To obtain a driver's license in Maine, an applicant needs to present 1. Proof of Maine residency, 2. Proof of U.S. citizenship or legal presence in the U.S., 3. Two different forms of proof of identity, and 4. Complete a vision screening.¹ BMV staff check legal presence status as required by law whenever anyone – including a non-citizen driver – applies for or renews a State ID or a license, including renewals to change the license type from a standard to a REAL ID-compliant credential.² Federal REAL ID laws require that all motor vehicle agencies nationwide use the federal Systematic Alien Verification for Entitlements (SAVE) system to verify the valid, unexpired legal status of all noncitizens applying for a REAL ID compliant credential, which Maine follows.³

¹ 29-A M.R.S. § 1301.

² 29-A M.R.S. § 1260.

³ *Id.*

With the exception of Canadian drivers who move to Maine, drivers new to the United States must also successfully complete both written and road exams with Maine BMV in order to earn their driver license, even if they were licensed drivers in their prior country of residence.⁴

Also in accordance with Maine law, any noncitizen without permanent legal status in the U.S. will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence.⁵ For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license. The list of documents BMV may accept to establish legal presence for non-REAL ID credentials is codified in rule.⁶ Acceptable proof of legal presence for REAL ID credentials is established in 6 CFR Part 37, §37.11.

It should also be noted that media reports often include only the person's legal status at the time of entry. Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws.⁷ For example, a person who enters the U.S. on a B-2 visitor visa may change to a student visa upon admission to one of Maine's colleges or universities, or to an H-1B professional worker visa based on a job offered by a Maine employer, or to Temporary Protected Status due to civil strife or national disaster in their home country, or for asylum based on fears of persecution, among others. Not only are they legally present while a timely filed petition is pending with U.S. Citizenship and Immigration Service (USCIS), in many cases federal immigration law permits them to work legally with USCIS-issued employment authorization based on their pending application or changed USCIS status. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.

Regarding the two drivers in question, we'd like to offer the Committee a timeline of events for each driver.

The driver in the August 15 fatal crash – initials LF – was a limited-term noncitizen, non-commercial driver.

- He obtained a state identification card on 03/12/2025, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements.
- He passed the required written driving exam and obtained his driver's permit on 08/05/2025.

⁴ Per 29-A M.R.S. §109, a non-resident (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive (non-CDL) using their unexpired license from their country of residence. If someone is permanently relocating to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would). 29-A M.R.S. § 1251(1-A).

⁵ 29-A M.R.S. § 1406-A(5).

⁶ Ch 15, Department of the Secretary of State Rules, *Rules Governing Acceptable Documents to Establish Legal Presence*, last updated November 13th, 2022 via the state's formal rulemaking process.

⁷ See, e.g. 8 U.S.C.A §1258 (Change of nonimmigrant classification), 8 U.S.C.A §1254a (Temporary protected status), 8 U.S.C.A. § 1158 (Asylum).

Tragically, the fatal accident occurred mere days after he earned his permit, when he lacked significant driving practice on Maine's roads.

The driver in the August 16 fatal crash – initials MM – was a limited-term noncitizen, non-commercial driver.

- He obtained his permit on 05/02/2019 and then his license later that year after passing his road test on 10/28/2019.
- His initial Class C license was issued on 12/4/2019, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements.
- He provided updated, federally issued legal presence documents on 11/22/2021 to extend his expiration date to 05/23/2022.
- He renewed his driver license on 05/09/2022, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements and extended his expiration date to 05/09/2026.
- The most recent renewal (05/06/2025) was due to the customer's desire to upgrade his driver license to a REAL ID-compliant credential, similar to many other Maine drivers this year. As part of this upgrade, he provided federally issued legal presence documents which met the federal REAL ID law, Maine law and Departmental rule requirements and extended his expiration date to 05/08/2029.
- Each time he renewed his Maine driver's license he presented documentation of his continued valid immigration status, including his unexpired employment authorization document issued by USCIS based on that status.
- His valid legal status was also confirmed with USCIS via the federal SAVE system multiple times, including when he applied for his REAL ID compliant credential.

Proof of residency for the purposes of applying for a driving credential is different from the requirements to obtain a Permanent Resident Card from the U.S. Customs and Immigration Service.⁸ The term “permanent Maine residency” in Sen. Bickford and Rep. Arata's question #3 seems to derive from an eliding of these terms and ideas which does not exist in law. Neither Maine nor federal REAL ID statutes require noncitizens to be “permanently” here to qualify for a driver's license; they have to be legally here. International students attending higher education institutions, doctors and other professionals serving Maine's communities and businesses on temporary work visas, individuals with Temporary Protected Status, asylum seekers, and many other categories of immigrants do not yet have “permanent” immigration status, yet they are legally here under U.S. immigration laws and are eligible for a driver's license (assuming they pass the required exams and can prove their identity and Maine residency).

The BMV takes seriously the responsibility to ensure laws and rules governing the issuance of credentials —both federal and state--are followed. To that end, we have established the following training and business practices to ensure that only eligible residents receive credentials:

- Maine BMV has a published Legal Presence Guide to advise staff on how to review various immigration documents that could be offered to establish Legal Presence.

⁸ 29-A M.R.S. §§1301 (11); 1401(1); 8 U.S.C.A. § 1154.

- New employees who work in the driver license issuance line of work undergo multiple training modules on legal presence. This includes when, and how, to query the federal government's database through the Systemic Alien Verification of Entitlements (SAVE) online portal.
- For more complex cases, the state has contracted an immigration attorney to help BMV staff reach the appropriate determination. This attorney also helps BMV staff navigate changes in federal immigration policy.
- The contract immigration attorney routinely audits the work of BMV frontline staff to verify that credentials are being issued appropriately in accordance with federal and state law.

I am making available Deputy Secretary of State Cathie Curtis and Director of Driver Licensing Christopher Ireland. As the BMV's chief administrator, Deputy Secretary Curtis is responsible for leading the organization's driver, vehicle, enforcement, and adjudication programs. Additionally, she serves on the American Association of Motor Vehicle Administrators (AAMVA) International Board of Directors. This is the second time she has held this position. She was previously employed by the Maine BMV from 1978 - 2011, serving in various management positions including as the Deputy Secretary of State. From 2012 through 2021, the Deputy Secretary was employed by the AAMVA in Arlington, Virginia, as the Director of Vehicle Programs. She was responsible for guiding and supporting all of the Motor Vehicle Agencies throughout the U.S. and Canada. Director Chris Ireland joined the BMV as the Director of Driver License Services in 2021 after a 29-year career in the U.S. Air Force. Deputy Curtis and Director Ireland are the state's foremost experts in driver licensing and would be happy to address your questions in detail.

We are confident that should your committee choose to open an investigation into BMV's processes, OPEGA staff will find that our staff are diligently following Maine law regarding the issuance of driving credentials. We remain at your service to ensure that you have the information you need to fulfill your mission of oversight.

Sincerely,



Shenna Bellows
Secretary of State

Cook, Emily

From: Cook, Emily
Sent: Monday, August 25, 2025 8:02 PM
To: Arata, Amy; Bellows, Shenna
Cc: Stewart, Trent A.; Bott, John
Subject: RE: Question about license status

Dear Representative Arata,

Thank you for your email, and please accept our condolences on the loss of your constituent. From everything I've read she was a wonderful woman. Road deaths are always tragedies, but they hurt especially so when someone was such a pillar of their community.

We checked in with our BMV colleagues regarding Mr. Mbiya's driver license status. He's held a Maine license since 2019, and BMV staff have repeatedly checked his [legal presence status](#) (whether or not he is legally authorized to be in the United States) as is required by Maine driver license laws. Even if he were a licensed driver in his prior country of residence, he would have had to take both the written and road exam in the United States order to earn his driving privilege. Only licensed drivers [from other US states](#) may transition to a Maine license without those tests.

We have provided information to Amjambo Africa so that their readers have ease of access to information regarding Maine laws and regulations regarding driver licenses and other credentials. If you would rather provide a .gov link to constituents with questions about the process (for either US citizens or non-citizens) we have lots of information here: <https://www.maine.gov/sos/bmv/driver-licenses-and-ids>.

Road safety for all users – including pedestrians – remains a top priority for the Department. All drivers, no matter where or when they learned to drive, must abide by our laws for their own safety and the safety of others. We trust that the criminal justice system will hold Mr. Mbiya accountable for his actions.

If we can answer any further questions, please do not hesitate to reach out.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Friday, August 22, 2025 5:28 PM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Stewart, Trent A. <trent.a.stewart@legislature.maine.gov>; Bott, John <john.bott@legislature.maine.gov>
Subject: Question about license status

Dear Ms. Cook,

A tragedy recently occurred in my district (New Gloucester) and my constituents have questions that pertain to the Secretary of State's office. Please forward this to SOC Shenna Bellows if you are unable to answer these questions yourself.

On Aug. 18, Stacy Strattard was killed after being struck by a car driven by a recent arrival to Maine, Mukendi Mbiya. People in my community are grieving and have questions about the process by which a new arrival from a foreign country obtains a license and the license status of Mr. Mbiya. I have found the most complete guidance on requirements to obtain a Maine license at this website:
<https://www.amjambofrica.com/what-documents-do-immigrants-need-to-bring-to-the-bmv-to-apply-for-a-maine-identification-card-or-drivers-license/#:~:text=If%20you%20have%20a%20driver's,getting%20your%20Maine%20driver's%20license.>

Assuming that this information is correct, can you confirm that Mr. Mbiya had a Maine driver's license? If not, did he have a license from another state or was he unlicensed? If so, did he obtain one after following the process outlined in the Amjambo Africa website cited above? That is, was his legal presence in Maine confirmed and did he pass both the road and written tests?

Please rest assured that I and my compassionate, open and welcoming community are not motivated by any racial malice. However, we are legitimately concerned that everybody must follow the same rules in order to have safe drivers on our roads. I hope that your answer can alleviate these concerns, or that any shortcomings will set in motion needed corrective action.

I look forward to your or SOS Bellows' reply sometime next week.

Sincerely,
Representative Amy Arata
Maine House District 104

Cook, Emily

From: Cook, Emily
Sent: Thursday, September 4, 2025 12:08 PM
To: Arata, Amy
Cc: Bickford, Bruce; Woodcock, Eliza; Bellows, Shenna
Subject: RE: Additional questions

Dear Rep. Arata and Sen. Bickford,

Not a problem at all, below is information regarding your follow up questions. I appreciate the time you've been taking to ask and learn more about a complex process.

1. As indicated in Maine's statute at subsection 5: <https://legislature.maine.gov/statutes/29-A/title29-Asec1406-A.html>, any noncitizen without permanent legal status in the U.S will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence. For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license.
2. Media reports often include only the person's legal status at the time of entry. (This was the case in media reports about this tragic accident.) Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws. They are typically legally present and often are granted employment authorization from USCIS while their other petition is pending. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.
3. Mr. Mbiya took his written exam in Portland on 5/2/2019 and passed. He successfully passed his road exam in Portland on 10/28/2019.
4. For up to one year, nonimmigrant visa holders in Maine (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive here if they also have a valid International Driving Permit, along with their unexpired license from their country. They must have both documents on their person while operating the vehicle. And if someone is moving to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would).

I hope this information is helpful, and please know we're here if you have any additional questions.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Tuesday, September 2, 2025 12:41 PM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Bickford, Bruce <bruce.bickford@legislature.maine.gov>; Woodcock, Eliza <eliza.woodcock@legislature.maine.gov>
Subject: Additional questions

Good Morning Ms. Cook,

Thank you for the response to my questions. I have some follow-up questions regarding your answer below:

"We checked in with our BMV colleagues regarding Mr. Mbiya's driver license status. He's held a Maine license since 2019, and BMV staff have repeatedly checked his legal presence status (whether or not he is legally authorized to be in the United States) as is required by Maine driver license laws. Even if he were a licensed driver in his prior country of residence, he would have had to take both the written and road exam in the United States in order to earn his driving privilege. Only licensed drivers from other US states may transition to a Maine license without those tests."

1. When and for what occasions was Mr. Mbiya's legal presence repeatedly checked?

1.

2. It has come out that Mr. Mbiya had a tourist visa that had expired in 2019.

https://www.bangordailynews.com/2025/08/22/portland/portland-police-courts/new-gloucester-maine-fatal-pedestrian-crash-immigration-customs-enforcement-detains-mukendi-mbiya/?fbclid=IwY2xjawMj-XZleHRuA2FlbQlxMQBicmlkETFGRE9XbThkVzhUcUZRSgtiAR4EG1PkzVTs-xL7egsD_vQpLRmibejmk3Jc46o8lNWN-0SN2n0kOZ35WDFUSA_aem_mAgq3wlZ6mYuZ66Udo0tiw

Since licenses expire every 4 years, he would have had to renew in 2023. Why was his licensed renewed if he was not legally present here?

3. Do you keep records on when and where the actual written and road tests occurred and can that be provided to me?

4. I've been told by a person who works with people who are immigrants that they frequently believe that their Universal Driver's License (perhaps they meant "International Driving Permit") allows them to drive in Maine. What are the facts about this?

I realize that this has become a fraught political issue and I truly appreciate your help as I try to understand exactly what happened and care for my bereaved constituents. I have included Sen. Bickford and staff as well because the family of the victim are also his constituents.

Sincerely,
Representative Amy Arata
Maine House District 104

Cook, Emily

From: Cook, Emily
Sent: Friday, September 19, 2025 4:31 PM
To: Arata, Amy
Cc: Bickford, Bruce; Woodcock, Eliza; Bellows, Shenna
Subject: RE: Additional questions

Dear Rep. Arata,

First, apologies on the delay in responding. I was out at a BMV administrator's conference for several days.

Mr. Mbiya was first issued a learner's permit, and then his driver's license upon passing the road test, and then he has renewed his license twice. The first renewal was because per state law, his driver's license expired on the same date as his legal presence documentation and so he needed to show the BMV proof that he continued to be legally present in order to retain his driver's license. The most recent renewal (May 2025) was not due to the expiration of his legal presence or license but because he wanted to change to a REAL ID compliant credential, similar to so many other Maine drivers this year. Each time Mr. Mbiya renewed his Maine driver's license he presented documentation of his continued valid immigration status, including his unexpired employment authorization document issued by USCIS based on that status. His valid legal status was also confirmed via the federal SAVE system multiple times, including when he applied for his REAL ID compliant credential. Federal REAL ID laws require that all motor vehicle agencies nationwide use SAVE to verify the valid, unexpired legal status of all noncitizens applying for a REAL ID compliant credential.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Friday, September 5, 2025 10:15 AM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Bickford, Bruce <bruce.bickford@legislature.maine.gov>; Woodcock, Eliza <eliza.woodcock@legislature.maine.gov>; Bellows, Shenna <Shenna.Bellows@maine.gov>
Subject: Re: Additional questions

Good Morning Ms. Cook

It is, indeed, a complex process and I appreciate your patient explanations. Can you clarify how Mr. Mbiya was able to renew his license in light of the statement; "To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license." ?

Since these documents would have expired in a shorter timeframe than the typical 4 year driver's license, I assume that he had to renew his license multiple times. How many times did he renew his license and what specific documents did he present to allow this?

I appreciate your answers to my questions as I work with my grieving constituents. I'm sure you can understand how difficult this situation and the related publicity have been for them.

Sincerely,
Representative Amy Arata
Maine House District 104

From: Cook, Emily <Emily.Cook@maine.gov>
Sent: Thursday, September 4, 2025 12:07 PM
To: Arata, Amy <Amy.Arata@legislature.maine.gov>
Cc: Bickford, Bruce <Bruce.Bickford@legislature.maine.gov>; Woodcock, Eliza <Eliza.Woodcock@legislature.maine.gov>; Bellows, Shenna <shenna.bellows@maine.gov>
Subject: RE: Additional questions

This message originates from outside the Maine Legislature.

Dear Rep. Arata and Sen. Bickford,

Not a problem at all, below is information regarding your follow up questions. I appreciate the time you've been taking to ask and learn more about a complex process.

1. As indicated in Maine's statute at subsection 5: <https://legislature.maine.gov/statutes/29-A/title29-Asec1406-A.html>, any noncitizen without permanent legal status in the U.S will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence. For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license.
2. Media reports often include only the person's legal status at the time of entry. (This was the case in media reports about this tragic accident.) Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws. They are typically legally present and often are granted employment authorization from USCIS while their other petition is pending. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.
3. Mr. Mbiya took his written exam in Portland on 5/2/2019 and passed. He successfully passed his road exam in Portland on 10/28/2019.
4. For up to one year, nonimmigrant visa holders in Maine (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive here if they also have a valid International Driving Permit, along with their unexpired license from their country. They must have both documents on their person while operating the vehicle. And if someone is moving to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would).

I hope this information is helpful, and please know we're here if you have any additional questions.

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Since licenses expire every 4 years, he would have had to renew in 2023. Why was his license renewed if he was not legally present here?

3. Do you keep records on when and where the actual written and road tests occurred and can that be provided to me?

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Maine House District 104