

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Enhance the Security of State Credentials**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 29-A MRSA §1301, sub-§11** is enacted to read:

**11. Legal presence requirement.** The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, including, but not limited to, a birth certificate, certificate of naturalization, passport, visa or resident alien identification card.

**Sec. 2. 29-A MRSA §1406, sub-§5,** as repealed and replaced by PL 2003, c. 434, §22 and affected by §37, is amended to read:

**5. Fee; 6-year license.** The fee for the 6-year noncommercial driver's license is \$30\$36. Six dollars of each fee collected under this subsection must be deposited into the Other Special Revenue Funds account of the Office of the Secretary of State to offset the costs associated with the enhancement of the security of the State's driver's licenses and nondriver identification cards, including those set forth in section 1301, subsection 12, section 1406, subsection 9, section 1410, subsections 8 and 9 and rules adopted for the enforcement of those sections.

**Sec. 3. 29-A MRSA §1406, sub-§9** is enacted to read:

**9. Expiration of license; lawfully present noncitizens.** Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with that applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A license issued under this subsection must be valid for a period of at least 180 days.

**Sec. 4. 29-A MRSA §1410, sub-§8** is enacted to read:

**8. Legal presence requirement.** The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, including, but not limited to, a birth certificate, certificate of naturalization, passport, visa or resident alien identification card.

**Sec. 5. 29-A MRSA §1410, sub-§9** is enacted to read:

**9. Expiration of nondriver identification card; lawfully present noncitizens.** Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 180 days.

**Sec. 6. Rulemaking; legal presence for license.** Within 90 days from the effective date of this Act, the Secretary of State shall adopt rules governing what other documents constitute valid documentary evidence to establish legal presence pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Rulemaking; legal presence for identification card.** Within 90 days from the effective date of this Act, the Secretary of State shall adopt rules governing what other documents constitute valid documentary evidence to establish legal presence pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 8. Participation in verification program.** Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by December 1, 2008 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for a driver's license or nondriver identification card.

**Sec. 9. Development of method to avoid duplication.** Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way, such as facial recognition or similar technology, to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State. The Secretary of State shall make a written report of findings and recommendations to the Governor and the Joint Standing Committee on Transportation no later than December 1, 2008.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for 2 additional Revenue Agent positions assigned to the Income and Estate Tax Division, to audit pass-through entity and corporate income tax returns. It is estimated that gross tax revenue of \$1,000,000 in fiscal year 2008-09 and \$2,000,000 each year thereafter will be generated by these positions.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$139,098
All Other	\$0	\$30,762
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$169,860

**Sec. 11. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for an additional Management Analyst I position assigned to the Tax Compliance Unit, to identify leads for income tax nonfilers and under-reporters from pass-through entities and real estate transfers. It is anticipated that gross tax revenue of \$500,000 will be generated by this position each year.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$62,648
All Other	\$0	\$10,534
	<hr/>	
GENERAL FUND TOTAL	\$0	\$73,182

**SUMMARY**

This bill requires the Secretary of State to issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States.

The bill requires any license or nondriver identification card issued to a lawfully present noncitizen to expire coterminously with that noncitizen's authorized duration of stay or 6 years, whichever is a shorter period of time.

The bill requires the Secretary of State to participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services.

The bill requires the Secretary of State to develop and implement the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State.

To partially cover the costs to be incurred by the Secretary of State associated with these and related measures, the bill increases the fee for a 6-year noncommercial driver's license from \$30 to \$36 and dedicates the \$6 increase to the Other Special Revenue Funds account of the Secretary of State.

This bill also provides funding for 3 positions in the Department of Administrative and Financial Services, Bureau of Revenue Services to generate revenue through stricter auditing of pass-through entity and corporate income tax returns.