

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Fourth Legislature**  
**State of Maine**

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

SIMPSON of Androscoggin

Representatives:

KAENRATH of South Portland  
 SCHATZ of Blue Hill  
 BOLAND of Sanford

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

Representative BEAUDETTE of Biddeford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The sponsor of this bill in the other body moved Indefinite Postponement and I am doing the same here in order to attain a concurrent position.

Representative COTTA of China **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 148**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Browne W, Burns, Campbell, Celli, Chase, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Thibodeau, Tilton, Weaver.

ABSENT - Ayotte, Cebra, Cushing, Dostie, Greeley, Haskell, McLeod, Perry, Robinson, Tardy, Thomas.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)** on Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

(S.P. 492) (L.D. 1357)

Signed:

Senators:

DAMON of Hancock  
 GOOLEY of Franklin

Representatives:

MAZUREK of Rockland  
 PEOPLES of Westbrook  
 THERIAULT of Madawaska  
 HARLOW of Portland  
 CAREY of Lewiston

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

HOGAN of Old Orchard Beach  
 BROWNE of Vassalboro  
 THOMAS of Ripley

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215) AS AMENDED BY SENATE AMENDMENT "A" (S-247)** thereto.

**READ.**

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. I'm opposed to this motion. If LD 1357 passes, it would repeal the law enacted just one year ago. Among other things, it would repeal the legal presence requirement, the expiration of a driver's license or non-driver ID card when the Visa expires, and also would repeal the Secretary of State's cost effective study and the recordness and technology. The Maine Secretary of State has had no major problems with this law and, again, it's only been in effect for a year. The Department of Public Safety is against the repeal. They are waiting for direction from the Homeland Security. The draft issuance does away, this is from the Homeland Security, what they believe, it's doing away with the funding and the 50¢ per capita for the SAVE program. It also eliminates the federal database. I believe we should wait for direction from our new Washington administration. We don't want to lengthen the result, restrict Canada on planes and federal offices. Currently, we can do this with our own driver's license. I think we should wait. I again would move against this, and I would ask for a roll call if one hasn't been asked.

Representative BROWNE of Vassalboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise too in opposition to the pending motion. I think it's important to note that Maine found itself last year on an island and we were out there and the Chief Executive had to step in and made a deal with the Homeland Security Department. We complied with that, we passed this bill last year. This bill has been in effect a little less than a year and we have found no significant problems with this. The Obama Administration has shown its willingness to

reform Real ID. We should wait for that. We should not put ourselves into a situation where we're going to be at odds with any federal agency, in this case, it would be the Homeland Security. We shouldn't rush to make changes to Maine law that would put us in conflict with the new president and threaten the strength and security of Maine credentials. According to the National Immigration Law Center, only four states did not have a legal presence requirement to receive a driver's license. If a person can't document the legal presence, they are giving a driving privilege card different than a full driver's license. That's important. We're dealing with the issue, so I don't think, in passing this bill, it would serve any good use to the citizens of Maine. We could revert back to that situation where, if Homeland Security chose to and they probably would, it would be difficult, for example, for you to get into a federal housing, like a post office or any federal building, it would create longer lines in the airports, for no real reason. So I really think and I understand it's an emotional issue with a lot of people that the Federal Government is more or less telling you what to do, in this case, I understand that. But this occurred because of, as we know, 9/11, which was a serious situation, as we all know, and something had to be done. So again, I oppose the pending motion and wish you would all follow my light on this very important issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First of all, this is only a partial repeal of the law that was enacted last year with the federal ID Act of 2005. It does not change the current requirement in the State of Maine for a legal residency requirement to get a license and Maine was not an island last year. There were many other states who completely ignored the Real ID and nothing happened to them. We, at the last minute, joined up, the Chief Executive did unfortunately, but that's neither here nor there. What this act does, it exempts and keeps our private Social Security numbers and other important information that the state possesses confidential. I think we all need that. It also is a money saver, about \$450,000 in the next two years. Are we any safer with the Real ID on a national level? I don't know, I don't think anybody knows at this particular point. But as I spoke last year, it was a rush to judgment and I still feel very strongly that it is. You hear constantly about protecting our rights, about the rights of individuals, and yet we are willing to turn over some of our most confidential information to the Federal Government, to the state government, and be very happy about doing it. These same people I hear saying no, I have my own personal rights, I walk my own line, but yet they're willing to give up some of the most private information they have to government agencies and who knows what happens to them. We also have to look to the future. Our children, are they going to become tagged for life? Are they going to be followed for every step everywhere they go, whatever they do? Where does this stop? Yes, there is a movement on a federal level to do something about Real ID, but we have an opportunity right here in the state to take one part of that Real ID law and repeal it and make it better for the citizens of Maine. We're not changing the legal residency requirement, you still have to be a citizen of Maine to get a driver's license, but at least we're removing the possibility of having our confidential records in the public. I wish you'd follow my light on this. This is a very important matter and I think it's something that we all cherish as our privacy and our freedoms. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Madam Speaker. I'm sure many of us saw on the news today what changed at the federal level with respect to identity documents. Today is the first day that we need to have a passport to cross the border into Canada and into Mexico or any other border. This is a big change. For many of our residents who live on the borders, this is going to affect daily life in a very, very fundamental way. However we might feel about that, I'm personally comfortable with the idea, it's a very appropriate action for the Federal Government to take. It's within the powers of the Constitution. Article I, in part, sets out the Congress shall "establish a uniform rule of naturalization." What's more basic than determining who should be in this country and who should not be?

To go back in and put a little more skin on the bones of what's been discussed last year with the residency law. We had two bills before us last year: We had this bill which added the legal residence requirement, which we're currently suggesting be taken away. We also had another bill that will not be affected by this, that would add some more stringent residency requirements. It was entirely an appropriate bill. The Secretary of State spoke at that time and they had some concerns about the way in which the legal residence was determined in the State of Maine and here's what we did: No longer can you have a PO Box address and get a driver's license, it makes complete sense; you have to show up in person to get a license; you have to have a property deed or a lease or something else that firmly establishes your residency, that's entirely appropriate, that will not change regardless of the disposition of this bill. This bill deals solely with legal presence. Now what is legal presence? It's are we legally present in the United States, are people who are not citizens, first of all, how do you establish citizenship, that is one of the questions, and for people who are not citizens, are they legally here. It seems to make sense. If it makes sense, it should be done at the federal level. Instead, what was done last year, was when it couldn't get through Congress, the administration said we'll just have the states do it, so instead of a uniform rule of naturalization, we have 50 different rules of naturalization at the state level and multiple different rules of naturalization at the federal level. No two rules of legal presence are the same. That's not right.

It's been said that there's been no problems with this having been instituted. It's been said the Secretary of State is comfortable with it. The Secretary of State, in person, spent a lot of time at both the work session and the public hearing letting his office his personal views known on this. He has some significant concerns about this and let me share with you what he shared with us: Wait times, BMV is in many ways, they're very focused on their customer service. Wait times have increased 15 percent because of this. If we pass this bill and it's signed into law, we can cut immediately; we can cut \$500,000 per year from the budget that's being used to put this into effect. So this will have a significant affect on their budget should we pass this. Finally, I would urge everybody in the chamber to follow our light and vote Ought to Pass as Amended by this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of my good chair, Representative Mazurek. Americans rejected the first national ID. It was called Social Security. They formed the Social Security Administrative Task Force and decided and identified it should be rejected in 1938. President Carter also rejected Social Security as a national ID. President Clinton wanted a health security card, but he wanted to keep, it was going to have full protection on it so it couldn't be used as a

national ID. Ronald Reagan, the Ronald Reagan Administration also rejected the national ID idea. Real ID, de facto, is a national ID. I do not think this is an American value. The terrorists win if we give up our rights to privacy, and there's no evidence that we can stop making driver's licenses in other countries, when a third grader can make up an ID. Okay, thank you very much for your time and consideration, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. What are we doing? Last year, we passed a bill to enhance the security of our state credentials, our driver's license. Why did we do that? We did it, as far as I'm concerned, for two reasons: First, Maine had become a target, a target for those who wanted to get a driver's license because we have very permissive and lax standards. Second, we did it because the Federal Government told us if you don't do that, people who want to get on an airplane and use their Maine driver's license as an identification won't be able to do that. It worked. You can use your Maine driver's license to get on an airplane. We had to get a federal extension to do that. That's the history.

What's going on now, I've heard some statements being said, first of all, we have a new president. We have a new secretary of Homeland Security, Secretary Napolitano. President Obama has ordered the Secretary of Homeland Security to do a substantial review of Real ID. Secretary Napolitano has decided to work with the National Governors Association, develop a committee and come up with a draft. That is in process right now. The draft is to try and take care of some of the criticism, the problems that we're talking about here this morning. Why in the world would we want to change our law when the Federal Government is working on something that has not been finalized at this point? More than that, to pass this, quite frankly, may well be a deal breaker with the Federal Government, who may come back and say sorry, you changed; you can't move your Maine license as an ID to get on a commercial airplane. I suggest that we wait and see what the Federal Government does. They have a committee going with the National Governors Association, with the Secretary of Homeland Security, see what they come up with, see if it does not resolve some of the issues and problems that have been spoken about this morning. I personally, Ladies and Gentlemen, will not put my name on a bill that's going to stop my constituents from getting on an airplane and trying to use their Maine ID. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I agree with good Representative Sykes and what he has had to say. I oppose this motion on the floor. Maine did make a deal with the Department of Homeland Security and, if Maine breaks that deal, it's very possible that travel, our citizens in this state will be greatly hindered when they try to travel abroad, and maybe involved in secondary screening and other issues that we're not really aware of at this point. There is real progress underway in Washington to fix the biggest issues, which is the Real ID. It is very smart policy to work cooperatively with them until that issue is resolved. Maine has a fair process right now in effect, our law is fair. Also, Maine people support the legal presence requirement and that is bared out by the attempt to gather signatures on a people's veto which fell short, which would have repealed the question on the ballot despite intense media coverage. This is also a commonsense and reasonable requirement and Maine shouldn't issue driver's licenses to people

who are not in the country legally. I think all these things make sense. I think we have a fair and equitable law at this point, and let's wait until things are resolved between us and the Department of Homeland Security and Obama Administration. I would urge you to vote against this proposal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Real ID has been a real fiasco and in due respect to those who have spoken on the other side of this debate today, I want to remind all of us that, two years ago, this body voted almost unanimously, all but four of us voted to reject Real ID and to say that Maine would never comply with the tenants of that federal legislation, which was slid through at the last minute and without a great deal of study. We said that it would provide one key to the identities of over 300 million Americans and allow for identify theft on a scale that we had never seen before. It was the opposite of national security; it would do nothing to solve the real problems of national security, it attempted or pretended to solve; and we said in addition that it was an unfunded mandate that would cost Maine and other states hundreds of millions of dollars over time and we're looking, as Representative Carey has said, at money that we could right now be using for our roads and our bridges and we certainly need it, instead of using it to turn our Bureau of Motor Vehicles into something it was never intended to do under our Constitution. Madam Speaker, nothing has changed in the last two years since we voted that way, except that perhaps we are all two years older and hopefully two years wiser. So I ask that we all vote in favor of the pending motion and let the Federal Government do the work that it has set out to do. It is true that the National Security Secretary has begun the process that would overturn Real ID and we look forward to that. When she was governor of Arizona, she also said that her state would never comply with it, and so I think it's very appropriate today that we follow her advice and follow her light, were she here with us in this chamber. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative **PEOPLES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think it would be a good idea to clarify not only does this repeal the illegal part of the law, it also repeals the really more frightening and invasive pieces of the Real ID legislation that requires fingerprinting and biometric scanning. I think that in of itself should be enough to give us all goose bumps. This is something that is absolutely unacceptable and regardless of all of the rest of it with legal presence, and I'm sorry people who have said legal presence hasn't been a problem, but I don't know how many constituents have called other members of this body, but I have had a good few call me absolutely incensed that they were not able to renew their driver's licenses. They've had driver's licenses since they could drive, but for the first time they have to prove that they were in the country legally. So it is a problem and even if the Homeland Security and the governors are working on another plan, why should we have to suffer with this until they come up with something better? Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm even afraid to go back to my committee. We do have a little work left, but we seem to be on opposite sides, for the most part, on this thing. But as far as money goes, the cost to implement this program was absorbed by the Secretary of State's Office. There

was no money of costing, it didn't cost any money to implement this program. We also have received a \$1.8 million grant to help with the cost of implementing this past legislation, which we haven't even touched yet. So there's not a big money issue involved in this. But the biggest issue was made by the good Representative from Bowdoinham, Representative Berry, in that the Federal Government is dealing with it. The Secretary Napolitano is dealing with this, not to overturn it, but to look at it and make certain improvements. So we have to wait, we really should wait. Maine made a deal with the United States Department Homeland Security to improve the security of its credentials. If Maine breaks that deal, it's possible state drivers could face secondary screening when traveling or trying to enter federal buildings, as I've said before. This is unnecessary. We're not at that point where we have to throw ourselves on the sword, so to speak, just to prove our point, and it's more of an emotional than a correct issue. Please vote red on this.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill.

Representative HILL: Thank you, Madam Speaker. I rise on this bill because I am very concerned about it. I worked with it in Judiciary because of the right to know and I think there are some good provisions, certainly pulling the Social Security numbers out. But I have a great deal of problem with taking away the establishment of legal presence and I say that for two reasons: One, in my lifetime, I had the good fortune to live abroad in two different countries and I never hesitated to put my paperwork that was required by that country in order before I even left the soil of the United States, and then to go in, when I arrived in those countries, to comply with whatever additional paperwork was needed to be legally present in those countries, because I respected the ability to be in those countries. Second, I know there have been some problems in southern Maine, especially in my district, so I re-contacted with our Chief of Police, Doug Bracey, whose family has been here since the 1700s and is highly respected. He is also the president of the Police Chiefs Association. I just said can you bring me up to speed on anything that's happening down there that this might present some problems with? So, if I may take a moment to just quickly read, this came from him yesterday.

"We here in law enforcement, especially in the south, are dealing with illegal aliens being brought to the State of Maine by vanloads of unscrupulous people who are profiting by their scheme. These individuals know the loopholes and many of them provide fictitious Social Security numbers, other documents and establish mail boxes, etcetera, and UPS boxes for these aliens to use as addresses. Some of these documents have surfaced during the arrest of drug dealers we are dealing with from Haverhill and Lawrence, Massachusetts. These people who are in the country are here for the sole purpose of committing criminal acts for profit and are using Maine identification as a means to legitimize their presence here and to conceal their true identities."

So I recognize that some individuals in the state are having problems with their license and they are good, wholesome people who belong here in Maine, who have been here in Maine. I think their issues, I don't want them to have these issues, but I think their issues can be dealt with by rules promulgated by the Secretary of State, and I would suggest we take a look and encourage the Secretary of State to make it as easy as possible to work with those people and establish their legal presence and get their license back. But I'm not sure we should throw out the baby in the bathwater altogether. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative RUSSELL: Thank you, Madam Speaker.

Madam Speaker, Ladies and Gentlemen of the House. I find it ironic that we are talking about how this actually makes us safer, that our driver's licenses will prevent terrorists from entering our borders. Well, we're doing a great job preventing an elderly woman from getting her license. In fact, the terrorists of 9/11, two of them came through my city, Portland, came in with visas and, has been mentioned before, the Secretary of Homeland Security is not really in favor of this and I concur with Representative Carey from Lewiston, who talked about the need for national federalization of this issue, but I do not agree that we need to wait. I think that we do have an obligation to protect our folks.

The other security issue that I am painfully afraid of is that we're going to be consolidating data through the Real ID. Now I'm a bit of a libertarian in the a sense that I really don't like the idea of the government spying on me and, believe it or not, my old roommate was the deputy director of scheduling for the vice president, so I just assumed my phone was tapped. But I'm more concerned with hackers. Consider the Hannaford breach, where thousands of Mainers lost their credit cards. I've had constituents of my own district come in and say how their credit card was hacked into and, up to a year later, they had charges that were coming from overseas. That was just credit cards. Now imagine when it's your Social Security number, your photo, which may or may not be a good photo but it's still worth utilizing, and potentially your biometric information. So let's just set aside the idea that the government might do something crazy with your stuff and your information. I'm really concerned about what happens when the next generation, who's really, really good with computers and really, really good at tracking down your contact information, suddenly pulls a single white female or a single white male, as the case may be in the audience, but suddenly becomes me. I like me. I like being the only version of me out there and I would hope that those of us in the chamber would feel similarly about themselves, Madam Speaker, and that you would consider what it might do if someone else suddenly chose to become you. So look in the mirror, think about how important it is to have your Social Security number, your photo, your driver's license number and your biometric information entirely in your possession, and then ask is that more secure or is it more secure to have an elderly woman from Aroostook County or a veteran from Jay unable to get their driver's license. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative CAREY: Thank you, Madam Speaker. I would like to speak briefly and bring some more specifics to the debate that have been referenced. First, with respect to money, this was not, there were ten positions added by the Secretary of State to deal with this. This was not done within existing resources and positions were added. There is a \$500,000 cost per year for that. Second, the \$1.8 million grant that was referenced that's going unused, I am thankful that's going used because that was a federal grant from the Bush Administration for the sole purpose of facial recognition screening biometrics. There's a really good reason that that's not being used, in my opinion, because it shouldn't. So there's money on the table, but it's not money that I'm comfortable using. Third, there's a positive fiscal note on this bill. Again, there's a \$500,000 positive fiscal note. The argument's been put out there that we made a deal. It was under significant duress. The Chief Executive made a deal last year that allowed us to get onto planes under significant duress. The separation of powers in the Constitution, if it says if it's bad idea, this House needs to say it's a bad idea.

There was reference to the new Homeland Security director that, when she was the governor of Arizona, was against this. I have here what she said to the United States Committee on the

Judiciary on May 6th of this year: "Ten states have enacted laws prohibiting compliance with Real ID and many more have anti-Real ID legislation pending. There is no additional information that there's going to be repercussions or that there's any displeasure." In fact, she goes on to say "DHS is focused on assisting states and improving the security of driver's licenses consistent with the recommendation of the 9/11 Commission, but there has to be a better way than Real ID." This is the person who was charged with sanctioning Maine, should it be sanctioned: there's got to be a better way than Real ID.

The department brought to us some information about Judge Segal, the federal judge, and I'd like to read a little bit from the findings of the court. Judge Segal, this was read to us by the department in our hearing: So if someone would have a driver's license in New York that was expiring would come up to Maine with this letter from the Social Security Administration and get a valid driver's license from Maine? Defendant: Using a PO Box address in Maine, that's correct. Judge Segal saying: They were residents of Maine? Yes. Judge Segal: Of course they wouldn't get a license otherwise. Correct. Later the judge says: And the State of Maine would issue a valid driver's license as if they were a valid resident of Maine?

That's a problem. It's been solved. It was solved last year. This bill does nothing to make that problem come back.

There were three additional cases that were brought to us by the department in our public hearing, three additional cases of people who were correctly prosecuted as being illegally in this country and sent back. All three of those cases, the facts of those cases happened, and all but one of them the convictions happened, before this body instituted a residency requirement. The commissioner said that there was no way to tell that legal presence alone, beyond residency requirement, has resulted in more prosecutions. The law that we passed last year on residency is working. This law is not needed and in fact it's unconstitutional.

Finally, the argument has been made about the 9/11 hijackers. The big problem, and unfortunately the Representative from Portland has reminded us, that the pilot of one of the planes originated in this state that morning. That is a shame. That's something that should be changed. It should be changed in the federal level, because with Real ID, the current law of Maine, 18 of 19 hijackers, were they residents of Maine, 18 of 19 hijackers could have gotten a valid Maine driver's license. The 19th, by the way, wouldn't have been affected. This law does not solve the problem. It's a significant problem, it's a federal problem and it should be solved there. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill is entitled "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws." Well, it hasn't changed much than it did two years ago. If you have nothing to hide, you have nothing to worry about. So I suggest you hit your red button when you vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. A number of years ago, not the first time that this Legislature had to cave in to demands of the Federal Government, whether it be the eighteen year old or it be motorcycles and subsequent labor appeals, or it has to be with the driver's licenses for Class A and Class B vehicles, and those things have done and come through from

Washington and we've had to basically, in a way, cave in. Then we hear the remarks that frankly this law has not imposed any problem. I would encourage you to come to Caribou to the motor vehicle office, as people from the Saint John Valley go to get their driver's license renewed and to document the fact that they are American citizens. One of the first things they ask is "Could we have your birth certificate?" Well, the birth certificate happens to be in Edmundston, New Brunswick because many of our citizens end up going to the closest hospital, probably 60 to 70 a year, and so they have a birth certificate but it's not in the United States, even though they are American citizens. So then they proceed to tell them "Would you bring your parent's birth certificate?" Then, subsequently, they say "Well, we're not convinced, but maybe your grandfather's birth certificate would be necessary to document the fact that you're an American citizen, because you haven't done the paperwork." That's what's going on and that has nothing to do with whether or not you are a citizen, it has nothing to do with whether or not you're here legally or illegally. Now it's not my fault, I guess, that the American negotiators of the Webster-Ashburton Treaty decided to separate our people in 1842, but that's where we are and so here we are sitting in an area where we have difficult, very often, documenting our heritage. We don't only have that problem in this instance with a driver's license, but you ought to see the problem we're having with our citizens in the valley, many of them trying to get a document from the Federal Government. So we have that quagmire right now, as a matter of fact, to the point where the border patrol have been told, and people at the border, that they can still enter with a driver's license provided they didn't have to go get one in Caribou, last year or this year, and other documentation and they are still not using, even though it's a longer process, they are coming through without a passport. For how long that will continue, we can only hope. I will simply say how pleased I am to see members on the Republican side of the aisle so willing to accept the fact the new president is going to change some of the stupid rules.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. I also stand here in favor of this deal here. The Federal Government are the people that need to take care of their business. Now everything that's been said here makes a lot of sense, but the one thing that affects me personally is the business in the Town of Madawaska and in the valley. This is going to put a stop to a lot of people being able to come over. It's a major problem. So, therefore, I know how I'm going to vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm sorry to rise again on this issue, but I think there's a couple of things that we need to go back to. In deference to what has been said here, the original bill that we're trying to appeal, I think says it very well: An Act to Enhance the Security of State Credentials. It provides for several things. The applicants for driver's licenses or ID cards demonstrate that they are in the United States legally. What could be wrong with that? This is all about security for our citizens and for us. We have to live in that time period now where we need to be able to verify who the people are that come into this country. It directs the Secretary of State to develop rules for what documents are appropriate and demonstrate legal presence. Study the use of new technologies, including biometrics, to reduce the risk of an applicant being issued more than one driver's license. It's the same thing that we're facing all

across the country. Every other state is going to be in this exact same situation, and if we carry, we're going to be out of sync with them. This is the technology that's going to be used. And develop an implementation plan for the using of the federal SAVE program to verify immigration documentation. Again, I say this is all about the security and safety for our residents. It's a good law that we have right now. Until there are changes made that we can be in agreement with the Federal Government, I would urge that you reject this proposal. When we're talking about money, my understanding is that what we have done up until now has been done with existing resources, with the DMV, and we're also putting in jeopardy the \$1.8 million. It doesn't matter what administration it came from, it's still there, it's still available to do all these studies, to implement these things, and we're going to put it in jeopardy if we vote to support this bill. Thank you, Madam Chair.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. First, a correction: the current law does not require fingerprinting. Secondly, I'm confused. I was here last session and it was my understanding the cost to implement last year's legislation, by agreement with the Secretary of State, were absorbed within existing resources. Yet, I've heard today that ten new positions were added to the Secretary of State's Office to do this. Therefore, Madam Speaker, may I pose a question to the good Representative from Lewiston, Representative Carey?

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Madam Speaker, if we pass this law, will we eliminate ten positions from the Secretary of State's Office?

The SPEAKER: The Representative from Harrison, Representative Sykes has posed a question through the Chair to the Representative from Lewiston, Representative Carey. The Chair recognizes that Representative.

Representative **CAREY**: We have been so advised by the Secretary of State.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. I will be very brief this time. I do agree with some of the remarks I heard about the cost. Yes, it hasn't cost a great deal up to this point; however, to fully implement the law, from this day forward, there will be a huge price tag to make sure that the Real ID law, as presently written, will be implemented, about \$70 million, and I don't think we have \$70 million to implement that law right now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. If this bill were just about cost, I think that that would be one thing, but I think this is really about our rights as American citizens to our privacy. If Real ID is allowed to go forward, it will eventually result in fingerprinting, eye technology, face recognition technology. I am not, as a Representative of the people I represent in the State of Maine, going to ask them to give up their privacy rights, as Americans, on the doubtful proposition that that will then make them safer. I do not believe it for one minute. I think we ought to accept the Majority Ought to Pass as Amended. If we could spend, if this would make us safer, then I'd be willing to spend all kinds of money to do that, but I don't think it will. I don't think it's about the money at all. I think it's about our basic rights as American citizens to remain private and free, and we represent

that I think want to remain private and free from this intrusion into their private lives. I urge you to accept the Majority Ought to Pass.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 149

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Beck, Bickford, Browne W, Burns, Campbell, Celli, Chase, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Hanley, Harvell, Hill, Hogan, Johnson, Joy, Kaenrath, Knapp, Knight, Langley, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Ayotte, Cebra, Cotta, Cushing, Dostie, Greeley, McLeod, Perry, Tardy.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-215) was READ** by the Clerk.

**Senate Amendment "A" (S-247) to Committee Amendment "A" (S-215) was READ and ADOPTED.**

**Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-247) thereto ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-247) thereto in concurrence.**

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Fund the Dirigo Health Program through a High-risk Pool"

(H.P. 831) (L.D. 1206)

Signed:

Senators:

BOWMAN of York  
ALFOND of Cumberland

Representatives:

TREAT of Hallowell  
PRIEST of Brunswick  
BEAUDOIN of Biddeford  
BECK of Waterville