

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Senate Legislative Record  
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session  
December 3, 2008 to June 12, 2009

Pages 1 - 1159

---

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine  
H.P. 491 L.D. 708  
(C "A" H-386)

Tabled - June 3, 2009, by Senator **BRYANT** of Oxford

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 3, 2009, **PASSED TO BE ENACTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#162)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HOBBS, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BRYANT, COURTNEY, DAVIS, GOOLEY, HASTINGS, JACKSON, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

Out of order and under suspension of the Rules, the Senate considered the following:

**COMMUNICATIONS**

The Following Communication: S.C. 391

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE  
OFFICE OF THE GOVERNOR**

June 3, 2009

To the Honorable Members of the 124<sup>th</sup> Legislature:

I am enclosing LD 1357, "An Act to Protect the Privacy of Maine Residents Under the Driver's License Laws," which I am vetoing pursuant to Art. IV, Part III, Section 2 of the State Constitution.

Last year, Maine took important steps to improve the security of its driver's license and identification cards. The Legislature passed and I signed into law new provisions that require applicants to demonstrate that they are residents of the State and that they are either U.S. Citizens or legally present in the country.

LD 1357 would repeal the legal presence requirement and allow Maine driver's licenses and identification cards to be issued to people who are knowingly breaking immigration law.

Maine's current law is fair and reasonable. Forty-six states, including every state in New England, have a legal presence requirement for their driver's license. Before last year's actions to increase the security of State credentials, Maine had become a target for unscrupulous individuals looking to circumvent legal presence requirements in other states. People were trucked in, in some cases by the van load, to get driver's licenses that would help them break the law elsewhere. With the protections put in place, such activities are much more difficult today.

Maine cannot and should not be an island unto itself.

While proponents of LD 1357 have argued that the repeal effort would protect the privacy of Maine residents, the case has been overstated. The law, as it stands today, does not mandate the use of fingerprints or facial image scans, or other biometric means, as part of the process to receive a driver's license. Current law only requires the Secretary of State to study the use of new technologies to determine the best way to reduce the risk of fraud and identity theft in relation to the issuance of Maine credentials. Furthermore, the current law does not allow the Maine Bureau of Motor Vehicles to participate in a national REAL ID database, where information from our State would be consolidated with information from other states. No such database exists, and if it did, Maine law does not allow participation.

Improving the security of Maine credentials was part of an arrangement made last year with the federal Department of Homeland Security. Maine's credentials fell short of federal security standards and put at risk the ability of Maine residents to use their driver's license as acceptable identification to board a commercial airline or enter a federal building. If Maine were to repeal its current law, Maine residents could face secondary screening and be singled out for additional scrutiny every time they fly or go to a federal courthouse. That is unacceptable to me.

I understand that there are serious concerns about the federal REAL ID law and its implications on personal privacy. The Obama Administration has shown a willingness to reform the REAL ID law and is working with the National Governors Association to revise many of the policy areas related to privacy. While the revisions continue to be refined, it appears from information currently available that the legal presence requirement will remain part of federal statute. We should not rush to make changes in Maine law that would place us in conflict

with the new president or threaten the strength and security of Maine credentials. Instead, we should work with the Obama Administration and the National Governors Association to improve the security of Maine's credentials while protecting personal privacy.

I understand that there are people who have been inconvenienced by Maine's new security standards. For some people, the process of renewing their driver's license has become more difficult. But those examples don't mean that the law is unreasonable or unworkable. Maine law gives great discretion to the Secretary of State to address individual circumstances that might make receiving a driver's license unusually burdensome. Anecdotal evidence is not enough reason to overturn current law.

Maine's legal presence requirement is reasonable and justified. I do not believe that Maine should issue driver's licenses to people who are not in the country legally. A driver's license is more than just a license to drive a car. It is an official credential that is used for many other purposes and which can be misused by someone in the country illegally. To change Maine's law unnecessarily puts at risk the integrity of State-issued credentials.

With these concerns and commitments, I hereby veto LD 1357 and respectfully urge you to sustain it.

Sincerely,

S/John E. Baldacci  
Governor

**READ and ORDERED PLACED ON FILE.**

The Accompanying Bill:

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

S.P. 492 L.D. 1357

The President laid before the Senate the following: "Shall this Bill become a law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#163)**

YEAS: Senators: ALFOND, BOWMAN, BRANNIGAN,  
CRAVEN, DAMON, JACKSON, SULLIVAN

NAYS: Senators: BARTLETT, BLISS, BRYANT,  
COURTNEY, DAVIS, DIAMOND,  
GERZOFISKY, GOODALL, GOOLEY,  
HASTINGS, HOBBSINS, MARRACHE,  
MCCORMICK, MILLS, NASS, NUTTING,  
PERRY, PLOWMAN, RAYE, RECTOR,  
ROSEN, SCHNEIDER, SHERMAN,  
SIMPSON, SMITH, TRAHAN, WESTON,  
THE PRESIDENT - ELIZABETH H.  
MITCHELL

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, and 7 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

---

Out of order and under suspension of the Rules, the Senate considered the following:

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts"

S.P. 511 L.D. 1392

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-295)**.

Signed:

Senator:

PERRY of Penobscot

Representatives:

WATSON of Bath  
BRYANT of Windham  
LANGLEY of Ellsworth  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta  
PILON of Saco  
VALENTINO of Saco  
SIROIS of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-296)**.

Signed: