

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 electronic originals
(may include minor formatting differences from printed original)

Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#58)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KATZ, MASON, ROSEN, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-17) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **WOODSOME** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens"

S.P. 110 L.D. 344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-16)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-16) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon were ordered sent down forthwith for concurrence.

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 **TRANSPORTATION** on Bill "An Act To Require State Compliance with Federal REAL ID Guidelines"

S.P. 92 L.D. 306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-17)**.

Signed:

Senators:
COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:
McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland
SCHNECK of Bangor
SHEATS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-18)**.

Signed:

Representative:
GRANT of Gardiner

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-17)** Report.

On motion by Senator **BELLOWS** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. I rise in opposition to the pending motion. One of our jobs as a State Legislator is to stand up against dangerous federal mandates that we believe might compromise the security and freedom of Mainers and this bill is not a debate between privacy and security. I believe the pending motion would harm both privacy and security because what it would do is require the State of Maine to set up a system to retain documents relating to license or ID applications for up to ten years. From my perspective, it is madness for our state to spend millions of taxpayer dollars to set up what will be a treasure-trove for identity thieves. With any centralized database, particularly when there are not enough resources to keep pace with the technology developed by hackers and thieves, it's not a question of if the data will be breached but when and to what consequences, and I urge you to consider the costly consequences of the State if Maine's Real ID database were breached, allowing identity thieves to rob all Maine license holders of their identity. The pending motion in compliance would make Maine a one-stop shop for identity thieves. It is absolutely not true that Maine's licenses are fundamentally any less secure than any other state's. What does Real ID compliance really mean? What did they say we were not compliant with? It was centralization of our data, collection of our photos for facial recognition technology, and fingerprinting of the DMV employees. It is also fundamentally not true that all of the other states are compliant when we are not. The largest state in the union, California, is not compliant and yet received an extension until 2020 based on a promise to try to comply in the future. South Carolina recently received an extension when Republican Governor Haley, before her elevation to the Trump administration, and Republican Representative Mark Sanford urged the Department of Homeland Security under Trump to give them an extension, which the Obama administration denied Maine. So I urge the Body to reject this motion. The choice is not to accept this motion and to do nothing. The Minority Report offers a different route. What it does is allocate the same exact amount of funding to provide for Mainers a passport card or a passport. So I would just say that the choice is not between this motion and doing nothing. There is another choice and I urge this Body to protect the privacy and security of all Mainers just as you did in 2005 and 2007 when Maine led the way in expressing its concerns about the federal Real ID because of the threats to privacy and security that this federal unfunded mandate placed upon our state. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. I just wanted to say a few things about this as well before we vote. There's been a lot of, I don't want to say, myths out there, but misunderstandings, I guess, about this law. One of those is that Maine is one of only five states that are out of compliance with Real ID. The fact of the matter is there are 25 states out of compliance with Real ID and most of those states were granted waivers or extensions until at least 2020. One thing we've heard is that Maine must comply with Real ID so Mainers can get on commercial flights, to access federal facilities, but the truth is Mainers can use passports, passport cards, and other

documentation to board commercial flights and enter federal facilities. In fact, at least 400,000 Mainers already have passports or passport cards, so they can use those. Anyone who is eligible for Real ID is by definition eligible for another ID that would also be accepted. According to the Department of Homeland Security, lack of ID should never interfere with access to healthcare. We've heard that getting a Real ID is easier than getting a passport card, however I'd point out that getting a Real ID is like getting a driver's license for the first time. Consumers have to show more documentation, there is increased wait times at the Bureau of Motor Vehicles, and, while passport cards last for ten years, a Real ID will have to be renewed as often as a driver's license, every seven years, I believe. A passport card costs \$55 for the first time and only \$30 for renewal every ten years, so it's less than a driver's license over time. The government is collecting our information anyways, so privacy is over. We've heard that argument as well. I'd like to point out that the fact is the Real ID Act requires the government to collect, store, and be able to access more sensitive information than ever before. The government will store a photograph of anyone who applies for Real ID, even if you were denied. The government will store copies of your Social Security card, birth certificate, and more. I'd also like to point out, Mr. President, that Real ID will require the Secretary of State to build a whole new system for licensing. This will cost about \$3 million to build. This is a giant unfunded federal mandate and the Minority Report on this bill does come with a price tag to provide passport cards to those who can't afford them, but it's much less than the requirement of \$3 million to build a whole new system, so it would actually cost us less money, doesn't require the storing of all the data, and allows us to still comply to access these facilities. So I would ask you to please join me in voting down the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion here. I think there's just a few things I'd like to put on the record. First of all, the Real ID Act was slipped through Congress in an Iraq War - Tsunami Relief Supplemental bill in 2005. There was no hearing and no opportunity for public comment. This Act is a giant unfunded federal mandate and it will create enormous initial on-going administrative burden and cost for states. It will also create burdens for individual citizens, including a higher cost and longer wait for licensing, and it is far from clear that these extraordinary costs will bring any benefit in preventing terrorism. Before states spend any substantial resources Real ID will require, they owe it to their citizens to sincerely question the necessity and efficacy of implementing the Real ID Act. Real ID changes the very nature and mission of DMVs from agencies responsible primarily for insuring the safe operation of vehicles on state roadways into a wide ranging enforcement agent of the federal government. Once Maine complies with Read ID there is no turning back. The federal government can change the rules at any time. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, as you've heard, in 2005 the Real ID Act was passed by Congress. Whether we liked it or not, they did it and there is certainly evidence that would suggest they could have made some corrections through the last ten years. In 2007 Maine said we were prohibited from becoming part and complying with the Real ID Act. So for the last ten years we've had waivers, waivers that said okay you've got another year. You have another year. Well this year the Department of Homeland Security has said that's it, no more waivers for anybody unless you're already in the queue. Enforcement has started. As of January 30th of this year Maine driver's licenses are not allowed or recognized as identification in any federal facility that requires such, including military bases. It impacts our veterans. It impacts our businesses who have products back and forth on these bases. It impacts our firefighters and police who have already been turned away from training sessions in Washington D.C. because they could not get into the building with their driver's license. Starting January 22nd of next year chaos really rains down on our constituents and the people of the State of Maine because at that time our driver's licenses will not be authorized or recognized for our people to get on airplanes, commercial airlines. If you want to see disruption and chaos back home because we didn't act, not just this year but for the last ten years, knowing full well that the deadline was before us, then we will see that and we all will hear that, and we should. The Transportation Committee, led by the good Senator from York, Senator Collins, did a great job working on this bill. They ended up with a bi-partisan 12 - 1 report with an opt out provision. If someone believes strongly that, for philosophical reasons, they do not want their information kept at the state level, not the federal level but the state level, than they can opt out. Forty-five states have either complied or are in the process of complying. That's a fact. Our constituents back home deserve our action and our attention because to turn our back and walk away and say we'll come up with something else maybe a little later certainly does not do them justice. They're depending on us. We need to act and support this motion, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS**: The good Senator from Cumberland, Senator Diamond, and I completely agree that we must act and help our constituents. We all want Mainers to be able to access federal facilities, military bases, and to board planes. There is another choice and no one is suggesting that we take no action. It is to my dismay that President Obama did not fix the Real ID or repeal the problematic provisions during the eight years of office, but Maine was denied the federal waiver not under President Trump but by President Obama in November, unfortunately. So there is an opportunity to have this burdensome federal mandate repealed. So the question is not to pass this or to do nothing. The question is: do we use these funds to give our citizens a real benefit, broader access to passport cards and passports, to enable them to travel to Canada and Mexico and to enter these facilities and do we continue to advocate, as we are doing in a bi-partisan way nationally, to ask the federal government to repeal this regulation that was issued by the Department of Homeland Security without, again, no public hearing in Congress? So I urge you to oppose this pending motion not to do nothing but to do something that strengthens the privacy and security of Mainers.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins, to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-17) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#59)

YEAS: Senators: BREEN, CARPENTER, CHENETTE, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, CARSON, CHIPMAN

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-17)** Report **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (S-17) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Allow Alternate Flashing Headlights on a School Bus"

H.P. 29 L.D. 28

Bill "An Act To Correct the Maine Uniform Trust Code Concerning Certain Beneficiaries"

H.P. 245 L.D. 331

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.
