

Testimony of Jennifer Pease  
before the Maine Legislature Joint Transportation Committee  
February 22, 2005

My name is Jennifer Pease and I am here to give testimony in favor of LD 501. I work at the bureau of Motor Vehicles, and I have taken vacation time to be here today as a private citizen. I do not represent the Bureau in any way. As a matter of fact the only endorsement I have from the Bureau is Secretary Dunlap graciously letting me know that he supports my desire as a private citizen to do something about an issue I feel strongly about.

**I would like to start by** telling you some of what precipitated this proposed legislation. I've worked for the BMV for 5 years, and until December 29, I understood our policy to be that we not issue licenses or ID cards to illegal aliens. We did issue licenses and ID cards to temporary status aliens, and that fact frequently bothered me, especially when those who were here temporarily would come in to the branch, many times just a day or two before their visas expired, to apply for a license or state ID card.

**After September 11**, this troubled me more and more, as one of the 9/11 terrorists Mohammed Atta had used our state to set his plan in motion. Concerned about drawing attention to himself by using his passport, he used his Florida driver license to board the plane at the Portland Jetport, and make his connecting flight in Boston. We all know that he ended up flying that plane into one of the World Trade Center towers.

Most, if not all of the 9/11 hijackers held valid drivers licenses or state ID cards, even though in some cases their visas had expired. I think the outcome could have been different if those licenses had expired when their visas did. If they had not been provided a credential to take the place of their passport with the expired visas, perhaps some wouldn't have been permitted to board a plane.

**These thoughts occur frequently** when you work in a place where you see the hundreds and hundreds of applications every year, submitted by temporary status aliens and you are **required to give them a license or ID card** that is valid most times **5 years beyond** their approved stay.

**During the fall of 2004, I heard talk of a policy change.** It was rumored that it would require us to ignore the expiration dates on passports and visas, and would result BMV employees knowingly issuing licenses and ID cards to illegal aliens. We were instructed to process transactions as always until we received official notice of the change. I began inquiring into it and found that, while part of the state was being inundated with temporary status and illegal aliens and had adopted a policy of not issuing licenses or ID cards to illegal aliens, other areas of the state were not even giving it a second thought because they had not yet been affected. Secretary Gwadosky had decided to standardize policy – Great Idea---Except that he decided to standardize by establishing a sanctuary policy, as the only people who would benefit from the policy were the illegal aliens.

**In late December of last year an incident occurred** that was quite troubling to me. An Egyptian national came into the Portland branch with his attorney and wanted to transfer his license from New York to Maine.

The attorney said his client was a New York resident, had never been a Maine resident, and had no intention of ever moving to or living in Maine, but he wanted a Maine license. **He could not renew his New York** license because he was an illegal alien. The attorney went on to say he had contacted (at the time Secretary Gwadosky's) office, and was told that we would be able to provide a license for his client.

He gave me a name of a contact person in the Main Office who knew of the situation. For documentation, I was provided with a New York learner permit, (not a license, but a permit), a photocopy of the man's New York driver license, and a photocopy of his Egyptian passport.

**For clarity sake**, you need to know that I would not have been permitted to process a transfer of a license from another state for a US citizen with the documents this man presented me.

I contacted immigration and found that in fact the man was an illegal alien in deportation proceedings, and that he would most probably be deported. Also, the last correspondence INS had received regarding this man just a few weeks prior, was a letter from an attorney in Boston who told them that this individual lived in New Jersey. I then called the Main Office to relay this information to the person the attorney had named as a contact.

**The end result** was that we issued a license to this individual. The license was mailed to a post office box in Portland, so the attorney could forward it to his client, wherever he was. I feel it important to note that not once have I seen the exceptions that were made for this illegal alien made for a US citizen. **This is not the only incident, just one of the most egregious ones.**

**At just about the same time as the visit** from the Egyptian man and his attorney, Secretary Gwadosky began implementing his "standardization" by sending out letters to various advocacy groups, the Department of Homeland Security, and the Social Security Administration. We received our official notification of the policy verbally. We were instructed to ignore expiration dates of passports and visas, and the implementation date was to be December 29, just two days before the end of Secretary Gwadosky's tenure as Secretary of State.

So, where are we now? **Current Bureau policy** is to ignore the expiration dates on passports and visas, and to knowingly issue licenses and ID cards to illegal aliens. Annually, in my branch alone I see many hundreds of temporary status and illegal aliens, with the illegal aliens making up about ten percent of that number. The Department of Homeland Security estimates that there are approximately 3000 illegal aliens in Maine, and in the year 2003 alone 38, 447 temporary status aliens came to Maine,  $\frac{3}{4}$  of them on 6-month tourist visas or 1-year business visas. This figure doesn't include those admitted as refugees.

**In the last couple of years**, I have seen a tremendous increase in the number of temporary status and illegal aliens who come to apply for Maine licenses and ID cards because they cannot get a license in the state they live in due to the tightening up of policy or legislation passed since September 11th.

**Currently there are 40 states with a legal presence policy or legislation**, 24 of those states require the license to expire when the visa does.

To give you an idea of what our neighboring and North Eastern states are doing: NH, CT, & NJ have Legal Presence Laws. MA, VT, NY, & RI have legal presence policies.

In fact, the entire eastern seaboard has some sort of legal presence requirement established. While we in Maine have become the island sanctuary in the sea of states that will not issue a license to an illegal alien.

**Under this legislation** we would require nonimmigrants to provide proof of their legal presence, and the license or ID would expire when the visa expires. Those with open-ended visas such as students, would receive a two-year license. Additionally, those who are provided a license with a term less than the standard term for a license would be charged on a sliding scale.

**All people who are legally in this country would be provided a license or ID** for the duration of their stay. This is fair and reasonable legislation. The majority who are responsible law abiding people that we issue licenses or ID cards to only need and want them for the time they are here. And, logically it makes absolutely no sense for us to issue a 6-year credential to a person who is only planning to be here for a few months.

**This legislation is consistent with the recommendations of the 9/11 Commission**, and also with the recommendation by the American Association of Motor Vehicle Administrators in September of 2003 that “jurisdictions not grant a photo driver’s license or photo ID card to undocumented aliens”. Illegal aliens will be precluded from getting a license under this legislation.

**Providing a license to an illegal alien** is like rolling out the red carpet to them. A license or ID has an added benefit to a person who intends to overstay their visa or is already an illegal alien...they can put their passport away with their expired visa and use the state issued valid credential in its place. For a minimum of 6 years that illegal alien can remain undetected.

**Think about all the times you are asked for a license...**A license or ID is required to get a job, open a bank account, write a check, buy a car, register to vote, sign a lease, apply for public benefits, enter a federal building, or board an airplane.

**An illegal alien should not be needing to do any of these things, except perhaps to board an airplane to go home;** and the state of Maine should not be helping them to remain illegally in the United States in violation of law. This defies all logic and common sense in my mind. I also believe that the issuance of a license or ID card to an illegal alien in itself is a violation of federal harboring laws.

**Though I do believe most people are good**, my concern lies with those few who are not. Unfortunately, we have recent evidence that those who are not good do in fact exist. While you are considering this legislation, I would ask you to think about what we could have done differently...and in retrospect, taking into account what we now know, would you have supported this legislation on September 10<sup>th</sup> 2001, if you thought that it might have prevented any of the lives from being lost on September 11? Of course this isn't possible, and can't rewrite history, but we can learn from it. We cannot afford to wait until it's our state that provides the licenses to the next group of terrorists.

**This is a non-partisan issue**, it's a human issue, and a safety issue. I do not see this as policing, but acting as responsible citizens, our state agency working with our federal government rather than against it, and keeping the best interest and the safety of all of us in mind.