

Maine rejects Real ID Act

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Maine overwhelmingly rejected federal requirements for national identification cards on Thursday, marking the first formal state opposition to controversial legislation scheduled to go in effect for Americans next year.

Both chambers of the Maine legislature approved a resolution saying the state flatly "refuses" to force its citizens to use driver's licenses that comply with digital ID standards, which were established under the 2005 [Real ID Act](#). It asks the U.S. Congress to repeal the law.

The vote represents a political setback for the U.S. Department of Homeland Security and Republicans in Washington, D.C., which have argued that nationalized ID cards for all Americans would help in the fight against terrorists.

"I have faith that the Democrats in Congress will hear this from many states and will find a way to repeal or amend this in the coming months," House Majority Leader [Hannah Pingree](#), a Democrat, said in a telephone interview after the vote. "It's not only a huge federal mandate, but it's a huge mandate from the federal government asking us to do something we don't have any interest in doing."

The Real ID Act says that, starting around May 2008, Americans will need a federally approved ID card--a U.S. passport will also qualify--to travel on an airplane, open a bank account, collect Social Security payments or take advantage of nearly any government service. States will have to conduct checks of their citizens' identification papers, and driver's licenses likely will be reissued to comply with Homeland Security requirements.

In addition, the national ID cards must be "machine-readable," with details left up to Homeland Security, which hasn't yet released final regulations. That could end up being a magnetic strip, an enhanced bar code or radio frequency identification (RFID) chips.

The [votes in Maine on the resolution](#) were nonpartisan. It was approved by a 34-to-0 vote in the state Senate and by a 137-to-4 vote in the House of Representatives.

Other states are debating similar measures. Bills pending in Georgia, Massachusetts, Montana and Washington state express varying degrees of opposition to the Real ID Act.

Montana's is one of the strongest. The legislature held a hearing on Wednesday on a bill that says "The state of [Montana will not participate in the implementation of the Real ID Act](#) of 2005" and directs the state motor vehicle department "not to implement the provisions."

Barry Steinhardt, director of the ACLU's Technology and Liberty Project, said he thinks Maine's vote will "break the logjam, and other states are going to follow." (The American Civil Liberties Union has set up an anti-Real ID Web site called [Real Nightmare](#)).

Pingree, Maine's House majority leader, said the Real ID Act would have cost the state \$185 million over five years and required every state resident to visit the motor vehicle agency so that several forms of identification--including an original copy of the birth certificate and a Social Security card--would be uploaded into a federal database.

Growing opposition to the law in the states could create a political pickle for the Bush administration. The White House has enthusiastically embraced the Real ID Act, saying it ([click for PDF](#)) "facilitates the strengthening by the states of the standards for the security and integrity of drivers' licenses."

But if a sufficient number of states follow Maine's lead, pressure would increase on a Democratic Congress to relax the Real ID rules--or even rescind them entirely.

A key Republican supporter of the [Real ID Act](#) said Thursday that the law was just as necessary now as when it was enacted as part of an \$82 billion military spending and tsunami relief bill. (Its backers say it follows the recommendations that the 9/11 Commission made in 2004.)

"Real ID is needed to protect the American people from terrorists who use drivers licenses to board planes, get jobs and move around the country as the 9/11 terrorists did," Texas Rep. Lamar Smith, the top Republican on the House Judiciary Committee, said in an e-mailed statement. "It makes sense to have drivers licenses that ensure a person is who they say they are. It makes the country

safer and protects the American people from terrorists who would use the most common form of ID as cover."

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