



STATE OF MAINE
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AUGUSTA, MAINE
04333-0001

JOHN ELIAS BALDACCI
GOVERNOR

May 7, 2007

The Honorable Michael Chertoff
Office of the Secretary
Department of Homeland Security
Attn: NAC 1-12037
Washington, DC 20528.

Facsimile: 866-466-5370

Re: DHS Docket Number DHS-2006-0030, Real ID Rulemaking

Dear Secretary Chertoff:

I am writing to comment on and formally oppose the proposed rules issued by the Department of Homeland Security ("DHS") for implementing the Real ID Act of 2005.¹ Because I believe the underlying statute is inherently flawed and unworkable, I respectfully urge you to withdraw the proposed regulations and support federal legislative action to fix the Real ID Act itself.

The Real ID Act of 2005 puts the entire burden for creating a National ID card on the states and their citizens. No provisions were made to pay for implementation of the Act, which has been estimated to cost the state of Maine \$185 million. In addition, the DHS proposed rules do not mitigate any of the Act's potential to invade privacy and violate civil liberties. Worst of all it is not clear what benefit, if any, this new identity system will provide for safeguarding either our personal safety or the security of our nation.

All of these problems led the Maine legislature to pass a first in the nation resolution formally declaring our intention not to participate in the Real ID program. As stated in the resolution, SP 113, enacted January 25, 2007 with unanimous support in the state Senate and an overwhelming majority in the House:

"The Maine State Legislature refuses to implement the REAL ID Act and thereby protest the treatment by Congress and the President of the states as agents of the federal government."

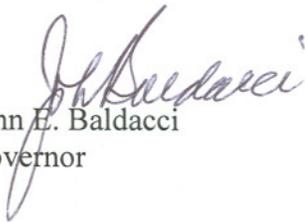
¹ 72 Fed. Reg. 10820.



Additionally, LD 1138 (HP 831) "An Act To Prohibit Maine from Participating in a National Identification Card System" is currently pending before the Maine Legislature. The bill directs the Secretary of State to take no steps to implement the Real ID Act. Because the DHS proposed rules fail to address the vast majority of concerns that have been highlighted by Maine and nearly 30 other states across the country, who have introduced similar legislation, I remain committed to the language of the resolution passed by the Maine Legislature and intend to sign LD 1138 into law should it come to my desk.

The fact that DHS has been unwilling or unable to address states' concerns shows that Real ID as it is currently configured is unworkable. A member of Maine's federal Congressional delegation, Representative Tom Allen, has introduced H.R. 1117, the "REAL ID Repeal and Identification Security Enhancement Act of 2007", that proposes a model similar to that adopted by the Intelligence Reform and Terrorism Prevention Act of 2004.² In that act, a negotiated rulemaking process was established that brought all the key stakeholders – including state and federal officials, advocacy groups and lawmakers – together in the same room in order to find workable solutions to the shared problem of drivers' license security. I urge you to support these Congressional efforts to fix the Real ID Act.

Sincerely,



John E. Baldacci
Governor

² Public Law No. 108-458 § 7215.