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Date: (Filing No. S-)

TRANSPORTATION

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 65, L.D. 130, “An Act To Create Appropriate Standards for the Secretary of State To Follow When Approving the Assignments of Vanity Registration Plates”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 29-A MRSA §453, sub-§3-A, as amended by PL 2019, c. 397, §4, is further amended to read:

3-A. Restrictions. The Secretary of State may refuse to issue or may recall a vanity registration plate issued under this section that:

- C. Falsely suggests an association with a public ~~institutions~~ institution or a government or government agency;
- D. Is duplicative; ~~or~~
- E. Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant;
- F. Is profane or obscene;
- G. Makes a derogatory reference to age, race, ethnicity, sex, sexual orientation, gender identity, ancestry or national origin, religion or physical or mental disability; or
- H. Connotes genitalia or relates to sexual acts.

The Secretary of State may not refuse to issue or recall a vanity registration plate issued under this section if the combination of letters and numbers on the plate only form an abbreviation, phonetic spelling or mirror image of a word or term otherwise described in this subsection. Any plate the Secretary of State refuses to issue or recalls under paragraph F, G or H must clearly represent the full English language spelling of a word within a category described in those paragraphs.

Sec. 2. 29-A MRSA §453, sub-§3-B is enacted to read:

COMMITTEE AMENDMENT

1 **3-B. Appeals.** An individual may appeal the Secretary of State's decision to refuse to
2 issue or decision to recall a vanity registration plate pursuant to subsection 3-A. The
3 individual must file the appeal within 14 days from the date of the Secretary of State's initial
4 decision with the vehicle services division of the bureau. In addition to following general
5 hearing procedures as prescribed by section 2484, the appeal process must adhere to the
6 same adjudicatory proceedings process, including notice, evidentiary standard and public
7 participation provisions, as outlined in Title 5, chapter 375, subchapter 4.

8 **Sec. 3. 29-A MRSA §453, sub-§3-C** is enacted to read:

9 **3-C. Rules.** The Secretary of State may adopt routine technical rules pursuant to Title
10 5, chapter 375, subchapter 2-A to implement the provisions of this section.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
12 number to read consecutively.

13 SUMMARY

14 This amendment is the minority report of the committee. This amendment strikes and
15 replaces the bill and limits the vanity registration plates the Secretary of State may refuse
16 to issue or may recall to plates that:

- 17 1. Falsely suggest an association with a public institution or government;
- 18 2. Are duplicative;
- 19 3. Encourage violence or contain language that may result in an act of violence or
20 other unlawful activity because of the content of the language;
- 21 4. Are profane or obscene;
- 22 5. Make derogatory references; or
- 23 6. Connote genitalia or relate to sexual acts.

24 It prohibits the Secretary of State from refusing to issue or recalling a vanity
25 registration plate issued if the combination of letters and numbers on the plate only form
26 an abbreviation, phonetic spelling or mirror image of a word or term otherwise described
27 in the provisions providing the Secretary of State reasons to refuse to issue or recall a vanity
28 registration plate and requires that any plate the Secretary of State refuses to issue or recalls
29 on the basis of its being profane, obscene or derogatory or connoting genitalia or relating
30 to sexual acts must represent the full English language spelling of the word.

31 It also creates an appeals process for a person for whom the Secretary of State has
32 refused to issue or recalled a vanity registration plate.

33 FISCAL NOTE REQUIRED

34 (See attached)