



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL
REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head
Commissioner, DPFR
Director, OPOR

January 3, 2024

Senator Anne Carney, Senate Chair
Representative Matt Moonen, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: *LD 2035, An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate*

Dear Senator Carney, Representative Moonen, and Members of the Committee:

I am writing this letter on behalf of the Department of Professional and Financial Regulation’s Office of Professional and Occupational Regulation (“OPOR”), an umbrella agency that supports the Maine Real Estate Commission. We acknowledge this is a department bill submitted by the Department of Agriculture, Conservation and Forestry, and appreciate the opportunity to submit this information for the committee’s consideration.

The Department takes no position on the substance of the bill; *i.e.*, whether to amend Title 33 to add potential flood risks to the information that a seller of real property is required to disclose to a purchaser. As drafted, the bill would amend the law to add this information to the property disclosure statement a seller must provide a purchaser. The Real Estate Commission does not create or provide property disclosure statement forms.¹

If the bill were enacted, OPOR staff would prepare a draft rule amendment for the Commission’s consideration. The draft would amend the Commission’s rule that sets forth a licensee’s duty to obtain and provide required disclosure information about private water supply, heating, waste disposal system and known hazardous materials. Any rule amendment would be routine technical rulemaking that would need to go through the Maine Administrative Procedure Act process, including soliciting comments from the public on the proposed rule and legal review conducted by the Office of the Attorney General.

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¹ We are aware that the Realtors® have created such a form for its members; not all licensees are Realtors®.

Thank you for the opportunity to share this information, and we would be happy to answer any questions at the work session.

Sincerely,

Anne Head

Director, Office of Professional and Occupational Regulation
Commissioner, Department of Professional and Financial Regulation