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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
& FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



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TESTIMONY OF
PENNY VAILLANCOURT, DIRECTOR
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
IN SUPPORT OF L.D. 2035

“AN ACT TO INCREASE THE FEE CAP FOR THE BOARD OF LICENSING OF AUCTIONEERS”

PRESENTED BY REPRESENTATIVE ROEDER
BEFORE THE JOINT STANDING COMMITTEE ON LABOR
PUBLIC HEARING: JANUARY 7, 2026, 1:30 PM

Senator Tipping, Representative Roeder, and Members of the Committee, I am Penny Vaillancourt, Director of the Office of Professional and Occupational Regulation (“OPOR”). OPOR has 38 licensing boards and programs including the Board of Licensure of Auctioneers. Thank you for the opportunity to provide testimony on behalf of OPOR regarding L.D. 2035.

This bill proposes to increase the Board of Auctioneers statutory fee cap from \$200 to \$400. Current licensing revenue for the Auctioneers Board is not sufficient to cover the expenses of administering the program’s statutory responsibilities and to maintain cash reserves. The Board has not had a fee increase since 2008 and has been spending down reserves for years. It has had a cash deficit since 2021, having depleted its cash reserves in FY21. *Simply put, this Board is not self-sustaining at its current fee cap.*

All licensing boards and programs in the Office of Professional and Occupational Regulation are funded solely by dedicated revenue from licensing fees. License fees must reflect the actual cost of regulation which includes the complexity of the regulation, staffing, rent, information technology, services from the Office of Attorney General, etc. The costs for administering all OPOR licensing boards/programs have increased over time, and will continue to increase, due to factors such as increasing costs for staffing and technology.

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In addition, license fees are impacted by the size of the licensing pool. The smaller the number of licensees, the more each licensee needs to pay in license fees to cover the costs of regulation. Since 2010, the licensing pool has decreased from 242 to 178.

The current license fee and current fee cap are insufficient to support the Board. As a result, OPOR has had to “borrow” from cash reserves from other licensing boards/programs to remain whole. The costs of the Auctioneer’s licensing program are being distributed to all other OPOR boards, ten of which are themselves at risk of running out of cash and therefore on target for a fee increase via rulemaking.

Not only is it an unsustainable model to distribute the costs to other boards, it is also inappropriate pursuant to 5 MRSA §1667-B and 10 MRSA §8003 2-A (B). (Using funds from one Other Special Revenue [OSR] account to support another is not permitted by statute; but since all board/program funds are in a single OSR account, the separate board/program accounts [sub-accounts] are able to operate with a deficit as long as the OPOR OSR account as a whole does not have a deficit.)

The deficit and the size of the licensing pool is unrelated to OPOR regulation and is outside of OPOR’s control. The Board’s deficit is also not related to application processing, delays or complaints.

In sum, this Board is not self-sustaining at its current fee cap. Thank you for the opportunity to share our support for this bill and I would be happy to answer any questions.

