



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  
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
NEITHER FOR NOR AGAINST L.D. 2182

**“AN ACT TO IMPLEMENT A RECOMMENDATION OF THE COMMISSION TO RECOMMEND  
METHODS FOR PREVENTING DEED FRAUD IN THE STATE”**

**BEFORE THE JOINT STANDING COMMITTEE ON  
HOUSING AND ECONOMIC DEVELOPMENT**

**PUBLIC HEARING: THURSDAY, MARCH 5, 2026 AT 1:15 PM**

Senator Curry, Representative Gere, 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 Real Estate Commission (“Commission”). Thank you for the opportunity to provide testimony on behalf of OPOR regarding LD 2182.

The Commission’s sole purpose is to promote public understanding and confidence in the business of real estate brokerage. The Commission carries out this purpose by establishing minimum standards of proficiency by testing, licensing, regulating and disciplining individuals and/or entities who provide real estate brokerage services. *See* 32 M.R.S. § 13061.

LD 2182 amends the Real Estate Brokerage License Act by requiring that beginning January 1, 2027, a real estate brokerage agency may not enter into a brokerage agreement or provide services to a seller unless the licensee has verified the identity of the seller in accordance with rules to be adopted by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Real Estate Commission.

This bill is one of many recommendations reported out by the Commission to Recommend Methods for Preventing Deed Fraud in the State (Resolve 2025, Chapter 104). OPOR takes no position on the substance of the bill, *i.e.*, whether to require real estate brokerage agencies to verify the identity of sellers in real property transactions, but notes that as drafted it does not include transactions involving sellers that are not clients<sup>1</sup>. If the intent of LD 2182 is to require seller verification in *all* real estate transactions, then OPOR provides the following statutory amendments to cover all transaction relationships:

### **Amendment #1:**

**Sec. 2. 32 MRSA §13065, sub-§3-A** is enacted to read:

**3-A. Verification of seller identity.** The commission shall adopt rules governing the duty of a real estate brokerage agency to verify the identity of a seller before entering into a brokerage agreement with or providing services to any ~~client who is the~~ seller in a real estate transaction as required by section 13177-A, subsection 3; section 13274, subsection 2(D); and 13283, subsection 2(G). The commission shall consult with the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation prior to adoption or amendment of rules under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### **Amendment #2**

**Sec. 3. 32 MRSA §13177-A, sub-§3** is enacted to read:

**3. Duty to verify identity of seller.** Beginning January 1, 2027, a real estate brokerage agency may not enter into a brokerage agreement with a seller or provide any services to ~~a client who is the~~ seller in a real estate transaction unless the real estate broker or an associate real estate broker or a real estate sales agent employed by or on behalf of the real estate brokerage agency has verified the identity of the seller in accordance with the requirements set forth in rules adopted by the commission pursuant to section 13065, subsection 3-A.

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<sup>1</sup> 32 MRSA § 13271 (5) as:

**5. Client.** "Client" means a person who has entered into a written brokerage agreement with a real estate brokerage agency that has agreed to represent that person and be bound by the duties set forth in section 13272 on behalf of that person.



**Amendment #3 – New Section**

Section 4. 32 MRSA §13274, sub-2(D) is enacted to read:

D. Duty to verify identify of seller. Beginning January 1, 2027, a buyer agent in a real estate transaction with a seller who has not entered into a brokerage agreement or is not provided services on or behalf of a real estate brokerage agency, has a duty to verify the identity of the seller in accordance with the requirements set forth in rules adopted by the commission pursuant to section 13065, subsection 3-A.

**Amendment #4 – New Section**

Section 5. 32 MRSA § 13283, sub-§2(G) is enacted to read:

G. Duty to verify identity of seller. Beginning January 1, 2027, a real estate brokerage agency may not provide any services to a seller in a real estate transaction unless the real estate broker or an associate real estate broker or a real estate sales agent employed by or on behalf of the real estate brokerage agency has verified the identity of the seller in accordance with the requirements set forth in rules adopted by the commission pursuant to section 13065, subsection 3-A.

Thank you for the opportunity to share our conditional support for this bill and I would be happy to answer any questions now or at the work session.

