

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 353

S.P. 139

In Senate, February 3, 2025

**Resolve, to Establish the Commission to Recommend Methods for
Preventing Deed Fraud in the State**

(EMERGENCY)

Received by the Secretary of the Senate on January 30, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator INGWERSEN of York.
Cosponsored by Representative DUCHARME of Madison and
Senators: BRENNER of Cumberland, CARNEY of Cumberland, PIERCE of Cumberland,
RAFFERTY of York, Representatives: MALON of Biddeford, SATO of Gorham.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** deed fraud occurs when a person sells real property by falsely claiming to
4 be the property owner and records a deed of the fraudulently induced sale in the registry of
5 deeds, depriving the rightful owner of a significant asset without the owner's knowledge;
6 and

7 **Whereas,** the process for the rightful owner of the property to nullify a fraudulently
8 recorded deed is not only time-consuming and expensive but, if successful, can also leave
9 the innocent purchaser of the property with neither the property nor the funds used to
10 purchase the property from the perpetrator of the deed fraud; and

11 **Whereas,** this legislation establishes the Commission to Recommend Methods for
12 Preventing Deed Fraud in the State to study options for both preventing deed fraud and
13 recompensing the victims of deed fraud; and

14 **Whereas,** the study must be initiated before the 90-day period expires in order that
15 the study may be completed and a report submitted in time for submission to the next
16 legislative session; and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore, be it

21 **Sec. 1. Commission established. Resolved:** That the Commission to Recommend
22 Methods for Preventing Deed Fraud in the State, referred to in this resolve as "the
23 commission," is established.

24 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
25 353, the commission consists of 13 members as follows:

26 1. Four members appointed by the President of the Senate as follows:

27 A. Two members of the Senate, including one member of the party holding the largest
28 number of seats in the Legislature and one member of the party holding the 2nd largest
29 number of seats in the Legislature;

30 B. One individual who is a register of deeds in this State; and

31 C. One individual who is an experienced title attorney in this State;

32 2. Six members appointed by the Speaker of the House as follows:

33 A. Three members of the House of Representatives, including 2 members of the party
34 holding the largest number of seats in the Legislature and one member of the party
35 holding the 2nd largest number of seats in the Legislature;

36 B. One individual who represents law enforcement interests;

37 C. One individual who represents a statewide association representing criminal defense
38 attorneys; and

39 D. One individual who represents a statewide association of real estate brokers;

1 3. The chair of the Real Estate Commission within the Department of Professional and
2 Financial Regulation, Office of Professional and Occupational Regulation or the chair's
3 designee;

4 4. The Secretary of State or the secretary's designee; and

5 5. The Attorney General or the Attorney General's designee.

6 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
7 and the first-named House of Representatives member is the House chair of the
8 commission.

9 **Sec. 4. Appointments; convening of commission. Resolved:** That all
10 appointments must be made no later than 30 days following the effective date of this
11 resolve. The appointing authorities shall notify the Executive Director of the Legislative
12 Council once all appointments have been completed. After appointment of all members,
13 the chairs shall call and convene the first meeting of the commission. If 30 days or more
14 after the effective date of this resolve a majority of but not all appointments have been
15 made, the chairs may request authority and the Legislative Council may grant authority for
16 the commission to meet and conduct its business.

17 **Sec. 5. Duties. Resolved:** That the commission shall:

18 1. Gather information on the practice and prevalence of deed fraud in the State,
19 including information and data, if available, on the number and characteristics of incidents
20 of deed fraud and unsuccessful attempts at deed fraud;

21 2. Examine the sufficiency of state laws and practices related to the following:

22 A. Identity verification for the sale of real property located in the State;

23 B. Notarization and recording of instruments affecting title to real property in the State,
24 including the requirements for conducting remote notarization;

25 C. Existing criminal penalties potentially applicable to perpetrators of deed fraud; and

26 D. Civil remedies available to victims of deed fraud, including processes for nullifying
27 fraudulently recorded deeds and returning ownership of the property to the rightful
28 owners; and

29 3. Gather and review any educational materials regarding the prevention of deed fraud
30 that are currently available to property owners, real estate brokerage agencies, title
31 insurance companies, real estate attorneys and other professionals involved in the sale of
32 real property; examine the sufficiency of these materials; and consider the best methods for
33 ensuring that appropriate educational materials are disseminated to property owners and
34 relevant real estate professionals across the State.

35 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
36 necessary staffing services to the commission, except that Legislative Council staff support
37 is not authorized when the Legislature is in regular or special session.

38 **Sec. 7. Report. Resolved:** That, no later than December 3, 2025, the commission
39 shall submit to the Joint Standing Committee on Judiciary a report that includes the
40 commission's findings and recommendations for preventing deed fraud in the State,
41 including recommendations for enhanced public awareness of deed fraud and any
42 suggested legislation for preventing deed fraud, including, but not limited to, enhancing

1 identity verification requirements for real estate transactions in the State and for improving
2 the civil and criminal remedies available in the State. The joint standing committee is
3 authorized to report out legislation related to the report to the Second Regular Session of
4 the 132nd Legislature.

5 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
6 takes effect when approved.

7 **SUMMARY**

8 This resolve establishes the Commission to Recommend Methods for Preventing Deed
9 Fraud in the State. The commission is required to make findings and recommendations for
10 preventing deed fraud in the State, including recommendations for enhanced public
11 awareness of deed fraud and any suggested legislation for enhancing identity verification
12 requirements for real estate transactions in the State and for improving the civil and
13 criminal remedies available in the State. The commission is required to report to the Joint
14 Standing Committee on Judiciary by December 3, 2025 and the joint standing committee
15 is authorized to report out legislation related to the report to the Second Regular Session of
16 the 132nd Legislature.