



MORTGAGE BANKERS ASSOCIATION

March 16, 2022

Honorable Anne Carney
100 State House Station
Augusta, ME 04333

Honorable Thom Harnett
100 State House Station
Augusta, ME 04333

Re: Support for passage of legislation adopting the Revised Uniform Law on Notarial Acts (RULONA)

Dear Senator Carney, Representative Harnett and Distinguished Members of the Judiciary Committee,

The American Land Title Association (ALTA)¹ and Mortgage Bankers Association (MBA)² are writing to express support for passage of the Secretary of State's proposed legislation (LD2023), which will grant the authority to utilize Remote Online Notarization (RON) in Maine.

The COVID-19 crisis has highlighted the need for expanded access options when it comes to notarial services. LD2023 would build on ongoing efforts to promote

¹ The American Land Title Association, founded in 1907, is a national trade association and voice of the real estate settlement services, abstract and title insurance industry. ALTA represents over 6,200 member companies. With more than 8,000 offices throughout the country, ALTA members operate in every county in the United States to search, review and insure land titles to protect home buyers and mortgage lenders who invest in real estate. ALTA members include title insurance companies, title agents, independent abstracters, title searchers and attorneys, ranging from small, one-county operations to large, national title insurers.

² The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 330,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 1,700 companies includes all elements of real estate finance: independent mortgage banks, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies, credit unions, and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

remote transaction options for consumers. The bill's passage will allow consumers in Maine to complete real estate transactions and execute other important documents without the often burdensome and sometimes impossible requirement of being in person.

RON laws have been enacted by many states across the country and bill is consistent with the national consensus for RON adoption and implementation. This uniformity across the country stems from a reliance on language released by the non-partisan Uniform Law Commission (ULC), which has been introduced in LD2023.

Our combined industry approach to RON policy is based on core principles, including, but not limited to: the recognition of consumer choice in using RON; that RON should receive the same legal status as traditional notarization; the inclusion of robust provisions for ID proofing and credential analysis; that acknowledgements performed online can be readily identified and distinguished from those done in person; that technology requirements should not be so specific as to favor one vendor over another, nor should they be so restrictive that they impede evolution of new ways to improve security over time; and, that legislation should conform to other legal standards and laws. All these factors, which are included in the bill language, combine to ensure consumers are protected and their legal documents are not at risk of being deemed invalid.

Notarizations are used extensively in real estate transactions, as well as in a variety of other key areas including affidavits, powers of attorney, living trusts, and advance health care directives, among others. LD2023 would allow businesses and consumers the ability to execute critical documents using two-way audiovisual communication. Current requirements for a signer to physically be in the presence of a Notary are often impractical and sometimes impossible due to social distancing limitations resulting from the spread of COVID-19, as well as other roadblocks for in-person signing, like military service overseas and time constraints.

Our Associations support efforts to utilize new technology to improve the notarial process for consumers, and hope the Legislature will pass LD2023, which ensures the legal enforceability of documents remotely notarized. We look forward to engaging with you during this process and should you or your staff have any questions, please do not hesitate to contact Elizabeth Blosser at ALTA (eblosser@alta.org), Kobie Pruitt at MBA (kpruitt@mba.org).

Respectfully,

American Land Title Association
Mortgage Bankers Association