

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2022 to December 31, 2022**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Professional and Financial Regulation,  
Office of Professional and Occupational Regulation,  
**Board of Real Estate Appraisers**

**Umbrella-Unit:** **02-298**

**Statutory authority:** 32 MRS §14012

**Chapter number/title:** **Ch. 220**, Educational Course Requirements  
**Ch. 230**, Supervising Appraiser Duties

**Filing number:** **2022-178, 179**

**Effective date:** 9/18/2022

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The Maine Board of Real Estate Appraisers (the “Board”) is charged by the Legislature with the regulation of real estate appraisers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §14012.

The rulemaking amends the following chapters:

**Chapter 220:** Educational Course Requirements

**Chapter 230:** Supervising Appraiser Duties

Due to the nationwide public health emergency caused by the Coronavirus Disease (COVID-19), the Appraisal Qualifications Board (AQB) temporarily allowed its programs approved for in-person delivery to be offered via synchronous distance delivery. The change became permanent beginning January 1, 2022. The rulemaking would amend the Board’s rule setting forth criteria for continuing education program approval by removing the requirement that program attendees must be in the actual physical presence of the instructor, and would further amend the rule to permit synchronous distance education programs. Board approval of a program would be valid for both in-person and synchronous delivery.

The rulemaking also removes the requirement that a supervising appraiser, who is responsible for the training and direct supervision of a trainee real property appraiser, personally inspect a certain number of appraised properties with the trainee. The AQB requires a supervising appraiser to personally inspect each appraised property with the trainee appraiser until the supervising appraiser determines the trainee is competent to inspect the property in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice (USPAP) for the property type. The adopted rule removes the requirement that the supervising appraiser personally inspects each appraised property with the trainee for the first fifty (50) appraisals at a minimum and, instead, allows the supervising appraiser to determine when the trainee is competent in accordance with the Competency Rule of USPAP and no longer needs personal supervision for a particular property type. Accordingly, the rulemaking removes, as no longer necessary, the requirement that in the event the trainee had a series of supervising appraisers, the determination of competency must be made by the trainee’s most recent supervising appraiser on the basis of at least 25 supervised inspections.

**Fiscal impact of rule:**

Minimal. It is anticipated that the rule changes to the approval of continuing education programs that permit virtual synchronous interaction will expand the number of programs

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that may be less burdensome to attend for licensees. It is not anticipated that the rule change to the minimum number of supervised appraisals for trainees will have any fiscal impact.