

# **126th MAINE LEGISLATURE**

# FIRST REGULAR SESSION-2013

**Legislative Document** 

No. 1071

H.P. 764

House of Representatives, March 19, 2013

## An Act Regarding Qualifications for Real Estate Licensees

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative VOLK of Scarborough. Cosponsored by Senator CUSHING of Penobscot and Representatives: CLARK of Easton, WILLETTE of Mapleton, WILSON of Augusta, Senator: HAMPER of Oxford.

- 1 Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 32 MRSA §13062, sub-§1, as amended by PL 2007, c. 402, Pt. BB, §4, is
   further amended to read:

1. Real Estate Commission composition. The Real Estate Commission, established
 by Title 5, section 12004-A, subsection 37, consists of 4 industry members, one member
 of the real estate education field and 2 one public members member as defined in Title 5,
 section 12004-A.

- 8 Sec. 2. 32 MRSA §13065, sub-§6, as enacted by PL 1987, c. 395, Pt. A, §212, is
   9 repealed.
- 10 Sec. 3. 32 MRSA §13194, as amended by PL 2007, c. 402, Pt. BB, §23, is further 11 amended to read:

### 12 **§13194.** License renewal

13 Licenses expire on December 31st, or at such other times as the Commissioner of 14 Professional and Financial Regulation may designate, of each biennial period for which it was issued, except those licenses issued under section 13200. The director shall issue a 15 renewal license for each ensuing biennial period in the absence of any reason or condition 16 that might warrant the refusal of granting a license, upon receipt of the written request of 17 the applicant, the biennial fee as set under section 13007 for the license and upon the 18 19 applicant presenting evidence of compliance with the requirements of section 13197. The director shall deny a renewal license to any applicant whose license has lapsed for more 20 than 90 days, unless the renewal license applicant passes the license examination 21 22 designated by commission rule for this purpose.

- 23 Sec. 4. 32 MRSA §13197, sub-§1, as amended by PL 2005, c. 378, §8 and 24 affected by §29, is further amended to read:
- 1. Requirement. As a prerequisite to renewal of a license, applicants must complete
   21 clock hours of continuing education within 2 years prior to the date of application in
   programs or courses approved by the commission. <u>Programs or courses under this</u>
   <u>subsection may be on any topic generally relevant to the practice of real estate brokerage.</u>
   This requirement does not apply to agency and company licenses.
- 30 Sec. 5. 32 MRSA §13198, sub-§2, as repealed and replaced by PL 2009, c. 112,
   31 Pt. A, §17, is amended to read:
- 32 2. Professional qualifications. An applicant for a broker license must meet the
   33 following qualifications under paragraphs A and B.
- 34A. The applicant must have been licensed as an associate broker affiliated with a real35estate brokerage agency for  $2 \frac{4}{2}$  years within the 5 years immediately preceding the36date of application.
- B. The applicant must satisfactorily complete the course of study meeting guidelines
  established by the commission.

1C. The applicant must pass a written broker examination to be taken at a time and2place as the director may designate.

3 Sec. 6. 32 MRSA §13199, sub-§2-A, as amended by PL 2009, c. 112, Pt. A, §18,
 4 is further amended to read:

5 2-A. Professional qualifications. An applicant for an associate real estate broker license must have been licensed as a real estate sales agent affiliated with a real estate 6 brokerage agency for 2 years within the 5 years immediately preceding the date of 7 application and satisfactorily completed a course of study meeting guidelines established 8 9 by the commission pass a written associate broker examination to be taken at a time and place as the director may designate in order to qualify for the license. The commission 10 11 may not issue a license under this section until an individual has completed 2 years as a licensed real estate sales agent. 12

13 Sec. 7. 32 MRSA §13200, as amended by PL 2005, c. 378, §11 and affected by
 §29, is repealed.

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### SUMMARY

16 This bill changes the composition of the Maine Real Estate Commission by removing one public member and adding one member representing the real estate education field. 17 18 The bill eliminates the real estate agent license and instead requires an applicant qualifying for a real estate broker license or an associate real estate broker license to 19 20 successfully pass a written examination. The bill increases the number of years a real estate broker applicant must have been licensed as an associate broker affiliated with a 21 real estate brokerage agency within the 5 years immediately preceding the date of 22 application, from 2 years to 4 years. The bill also removes the authority of the Real 23 Estate Commission to adopt rules determining whether educational programs meet 24 license qualifications required by the real estate brokerage licensing laws. 25