

§14049-G. Prohibited practices

1. Prohibitions. An appraisal management company licensed under this chapter or an employee, director, officer or agent of an appraisal management company licensed under this chapter may not:

- A. Cause or attempt to cause the results of an appraisal service to be based on any factor other than the independent judgment of the appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- B. Seek to influence an appraiser or to otherwise encourage a targeted value in order to facilitate the making or pricing of a consumer credit transaction; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- C. Modify or otherwise change the results of a completed appraisal service that have been submitted by an appraiser to the appraisal management company by:
 - (1) Altering or removing the signature or seal of the appraiser; or
 - (2) Adding information to, removing information from or changing information contained in the results of the completed appraisal service, including any disclosure authorized by this chapter submitted by an appraiser in or with the appraisal report; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- D. Condition a request for the performance of an appraisal service or the payment of an appraisal fee, salary or bonus on the opinion, conclusion or valuation to be reached or on a preliminary estimate or opinion requested from an appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- E. Request that an appraiser provide an estimated, predetermined or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the completion of an appraisal by an appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- F. Provide to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to a borrower, except that a copy of the sales contract for a purchase transaction may be provided; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- G. Make any part of a fee paid to the appraiser or a fee paid by the appraisal management company contingent on a favorable outcome, including a loan closing or a specific valuation being achieved by the appraiser in the appraisal report; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- H. Withhold or threaten to withhold timely payment for the completion of an appraisal assignment when the appraisal services that are the subject of the appraisal assignment are provided in accordance with a contract or other agreement between the parties; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- I. Seek to influence an appraiser by withholding or threatening to withhold future business from an appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- J. Seek to influence an appraiser by demoting or terminating or threatening to demote or terminate an appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- K. Seek to influence an appraiser by expressly or impliedly promising future business, promotions or increased compensation for an appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- L. Provide to an appraiser, or any person related to an appraiser, stock or other financial or nonfinancial benefits; [PL 2017, c. 475, Pt. D, §1 (REEN).]
- M. Allow the removal of an appraiser from an appraiser panel without prior written notice in accordance with section 14049-I to the appraiser; [PL 2019, c. 641, §1 (AMD).]
- N. Obtain, use or pay for a second or subsequent appraisal or order an automated valuation model in connection with a mortgage financing transaction unless:

- (1) There is a reasonable basis to believe that the initial appraisal was flawed or tainted and that basis is clearly and appropriately noted in the loan file;
- (2) The subsequent appraisal or automated valuation model is done under a bona fide prefunding or postfunding appraisal review or quality control process; or
- (3) The subsequent appraisal or automated valuation model is otherwise required or permitted by federal or state law; [PL 2017, c. 475, Pt. D, §1 (REEN).]

O. Prohibit legal communication between an appraiser and a lender, real estate license holder or any other person from whom the appraiser believes information would be relevant; [PL 2017, c. 475, Pt. D, §1 (REEN).]

P. Refuse to accept the results of a completed appraisal service by more than one appraiser if an appraiser provides substantial assistance to another appraiser in the preparation of the report, unless the appraisal assignment names an individual appraiser or the statement of work requires an unassisted report; or [PL 2017, c. 475, Pt. D, §1 (REEN).]

Q. Require an appraiser to:

- (1) Complete an appraisal service if the appraiser determines the appraiser does not have the necessary expertise for the specific geographic area, the appraiser has notified the company of that determination and the appraiser has declined the assignment;
- (2) Prepare an appraisal report under a schedule that the appraiser believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations if the appraiser has notified the company of that belief and has declined the assignment;
- (3) Provide the appraisal management company with the digital signature or seal of the appraiser;
- (4) Modify any aspect of an appraisal report without the agreement of the appraiser that the modification is appropriate;
- (5) Engage in any act or practice that does not comply with the Uniform Standards of Professional Appraisal Practice;
- (6) Engage in any act or practice that does not comply with any assignment conditions and certifications required by a client;
- (7) Engage in any act or practice that impairs or attempts to impair the independence, objectivity or impartiality of an appraiser;
- (8) Enter into an agreement to not serve on the appraiser panel of another appraisal management company;
- (9) Indemnify or hold harmless the appraisal management company against liability except liability for errors and omissions by the appraiser; or
- (10) Pay a fee imposed on the appraisal management company by the federal appraisal subcommittee. [PL 2017, c. 475, Pt. D, §1 (REEN).]

[PL 2019, c. 641, §1 (AMD).]

2. Construction. Nothing in subsection 1 may be construed to prohibit:

A. An appraiser from reimbursing an appraisal management company for the actual cost of discretionary services provided to the appraiser; [PL 2017, c. 475, Pt. D, §1 (REEN).]

B. An appraiser from voluntarily providing the appraiser's digital signature or seal to an appraisal management company; [PL 2017, c. 475, Pt. D, §1 (REEN).]

C. An appraisal management company from asking an appraiser, after an appraisal report is delivered, to:

- (1) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;
- (2) Provide further detail, substantiation or explanation of the appraiser's conclusion regarding values; or
- (3) Correct errors in the appraisal report; [PL 2017, c. 475, Pt. D, §1 (REEN).]

D. An appraisal management company from requiring an appraiser to provide advance notice of and an opportunity for the appraisal management company to participate in any legal communications between the appraiser and a lender; or [PL 2017, c. 475, Pt. D, §1 (REEN).]

E. An appraisal management company from providing to an appraiser a copy of an executed contract for a purchase transaction. [PL 2017, c. 475, Pt. D, §1 (REEN).]
[PL 2017, c. 475, Pt. D, §1 (REEN).]

SECTION HISTORY

PL 2017, c. 270, §1 (NEW). PL 2017, c. 475, Pt. D, §1 (REEN). MRSA T. 32 §14049-K, sub-§1 (RP). PL 2019, c. 641, §1 (AMD).

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