

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1113

H. P. 839

House of Representatives, February 23, 1973

Referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Garsoe of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Establishing Educational Requirements for Real Estate Brokers.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 32, § 4101-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 4101-A, to read as follows:

§ 4101-A. Educational requirements

1. After January 1, 1976. On and after January 1, 1976, an applicant for examination as a licensed broker, in addition to meeting the requirements otherwise set forth in this section, shall have satisfactorily completed a 2-year course covering 4 full semesters with specialization in real estate in an accredited university or college, or other educational institution accredited by the commission. In lieu thereof, an applicant may file with the commission a written petition setting forth his qualifications and experience, and if the commission finds that such qualifications and experience are substantially equivalent to the requirements set forth, he shall be authorized to take the examination. The examination given by or under supervision of the commission to each such applicant shall be given in 2 sessions, not held the same day, each session designed to require not less than 6 hours for completion, and shall include, but without limitation: Principles of real estate practice, real estate appraisal, real estate finance, real estate ethics, real estate law, real estate management and accounting principles.

2. After January 1, 1978. On and after January 1, 1978, an applicant for examination as a licensd broker, in addition to meeting the requirements otherwise set forth in this section, shall take an examination given by or under the supervision of the commision, the examination to include, in addition to the subjects set forth in subsection 1, the following: Principals of construc-

tion, principles of surveying, chemistry of soils and development and redevelopment of urban real estate. The examination shall be given during such time limitations as the commission by rule shall determine, but shall require not less than 2 sessions not held the same day, each session designed to require not less than 6 hours for completion.

3. After January 1, 1982.

A. On and after January 1, 1982, an applicant for examination by or under the supervision of the commission shall apply for examination for a license to practice real estate in lieu of a license as a broker, as theretofore required.

B. On and after such date, all licensees theretofore issued a license as a licensed broker, if the license remains in good standing, may apply to the commission for issuance, without examination, of a license to practice real estate, which license shall supersede and take the place of the license theretofore issued as a broker and the provisions of this section relating to licensed brokers shall apply to all licensees, subject only to such contractual relationships, within the terms of this section, as may then exist between licensees.

C. On and after such date, the examination for issuance of a license to practice real estate, given by or under the supervision of the commission, shall include, in addition to the subjects set forth in subsections 1 and 2, the following: Principles of urban economics, principles of land management, principles of real estate development and subdivision and history of property ownership systems. The examination shall be given during such time limitations as the commission by rule shall determine, but shall require not less than 3 sessions held on 3 succeeding days, each session designed to require not less than 6 hours for completion.

D. An applicant for examination for a license to practice real estate, in addition to meeting the requirements otherwise set forth in this section, shall have satisfactorily completed a 4-year course of instruction in an accredited university or college, or in an educational institution accredited by the commission, and with specialization in real estate, or in lieu thereof an applicant may file with the commission a written petition setting forth his qualifications and experience, and if the commission finds that such qualifications and experience are substantially equivalent to the requirements set forth herein, he shall be authorized to take the examination.

4. Rules and regulations.

A. The commission is authorized and empowered to formulate rules and regulations relative to the establishment and operation of schools, courses of study, instruction, grades and grading systems and related matters.

B. Any school which shall offer or conduct any course or courses of study in real estate, or any course or courses designed or represented to enable or assist nonlicensees or applicants for license to pass examinations conducted by the commission shall first obtain a permit from and thereafter abide by the rules and regulations of the commission covering such schools.

C. The commission shall have authority to suspend or revoke the permit of any school for violation of this section or of the rules and regulations promulgated pursuant thereto.

5. Permit.

A. It shall be unlawful for any school to offer courses or to conduct classes of instruction in real estate subjects without first procuring a permit, or having obtained a permit, to represent that its students are assured of passing examinations given by the commission, or to represent that the issuance of a permit is a recommendation or endorsement of the school to which it is issued, or of any course of instruction given by it.

B. The application of each school shall be accompanied by a fee to be determined by the commission and, if issued, shall be annually renewable on payment of a fee to be determined by the commission.

C. In the event that any person is found guilty of violating this section in the operation of a school, or any rule or regulation adopted pursuant thereto, or attempts to continue to operate as a school after the revocation or during a period of suspension of a permit, he shall be deemed guilty of a misdemeanor.

STATEMENT OF FACT

The purpose of this bill is to establish educational requirements for individuals wanting to be real estate brokers and requirements on schools teaching real estate courses.