

MAINE STATE LEGISLATURE

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New Draft of: H. P. 364, L. D. 480
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1559

H. P. 1303

House of Representatives, April 11, 1979.

Reported by Mr. Jackson from the Committee on Business Legislation. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for Continuing Education for Real Estate Brokers and Salesmen.

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

Sec. 1. 32 MRSA § 4115, 2nd sentence as repealed and replaced by PL 1975, c. 767, § 76, is amended to read:

The commission shall issue a new pocket card for each ensuing biennial period in the absence of any reason or condition which might warrant the refusal of granting a license, upon receipt of the written request of the applicant ~~and~~, the biennial fee therefor **and upon the applicant's presenting evidence of compliance with the requirements of section 4115-B.**

Sec. 2. 32 MRSA §§ 4115-B and 4115-C are enacted to read:

§ 4115-B. Continuing Education Committee, members, duties

Each biennial licensing period, actively licensed real estate brokers and real estate salesmen shall attend 12 clock hours of real estate oriented educational programs, approved by the Continuing Education Committee appointed by the commission. The committee shall consist of one member of the commission, one member from the field of education, one member representing the public and 4 licensees, each representing a different geographical area of the State, at least

one of whom shall not belong to a professional real estate trade association. Members shall be appointed for staggered 3-year terms, except the commission member who shall be appointed annually.

Upon receipt of an application for approval as a continuing education program, the committee shall consider the apparent ability of the program to improve the licensee's knowledge of the real estate business and to assist the licensee in keeping abreast of changing laws, regulations or practices which will affect the interests of his client. The committee shall approve programs which will meaningfully contribute to improving the licensee's ability to meet the needs of his client.

Approved programs may include inoffice classes, video-tape and tele-lecture presentations, correspondence courses, designed for prelicensure education, and other formats, subject to approval of course content by the committee. The committee in approving applications shall also consider the desirability of low cost programs that can be accessible to licensees in rural areas.

The commission may promulgate rules necessary for implementation and enforcement of this section and shall maintain a current list of programs receiving approval under this section.

§ 4115-C. Exception to education requirements

Licensees applying for renewal of licenses which terminate upon June 30, 1980, in order to meet the educational requirements of section 4115-B, shall present evidence to the commission of participation or attendance during the preceding biennial license period of 6 clock hours of education courses approved in accordance with section 4115-B.

Sec. 3. 32 MRSA § 4118-A, last paragraph, as last amended by PL 1965, c. 513, § 70-B, is repealed and the following enacted in its place:

Anyone who has surrendered his license pursuant to this section and who applies for reinstatement of his license to active status shall be subject to all the provisions of this chapter applicable to an original applicant for a license except written examination and fee. The licensee shall demonstrate to the commission that he has within the previous biennium attended 12 clock hours of courses designated in section 4115-B.

STATEMENT OF FACT

While existing law contains certain educational requirements for applicants for real estate broker licenses, there are no provisions imposing continuing educational requirements upon real estate brokers or salesmen licensees after issuance of an initial license. This bill requires 12 clock hours of education in every 2-year period in order to renew an active broker's or salesman's license. Inactive licensees would have to meet the same requirement only if they seek active status.