

MAINE STATE LEGISLATURE

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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. MacFarland
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:**

2 **Sec. 1. 32 MRSA §13062, sub-§1**, as amended by PL 2007, c. 402, Pt. BB, §4, is
3 further amended to read:

4 **1. Real Estate Commission composition.** The Real Estate Commission, established
5 by Title 5, section 12004-A, subsection 37, consists of 4 industry members, one member
6 of the real estate education field and ~~2~~ one public member ~~members~~ member as defined in Title 5,
7 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9 repealed.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
15 was issued, ~~except those licenses issued under section 13200~~. The director shall issue a
16 renewal license for each ensuing biennial period in the absence of any reason or condition
17 that might warrant the refusal of granting a license, upon receipt of the written request of
18 the applicant, the biennial fee as set under section 13007 for the license and upon the
19 applicant presenting evidence of compliance with the requirements of section 13197. The
20 director shall deny a renewal license to any applicant whose license has lapsed for more
21 than 90 days, unless the renewal license applicant passes the license examination
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:

25 **1. Requirement.** As a prerequisite to renewal of a license, applicants must complete
26 21 clock hours of continuing education within 2 years prior to the date of application in
27 programs or courses approved by the commission. Programs or courses under this
28 subsection may be on any topic generally relevant to the practice of real estate brokerage.
29 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~~.

34 A. The applicant must have been licensed as an associate broker affiliated with a real
35 estate brokerage agency for ~~2~~ 4 years within the 5 years immediately preceding the
36 date of application.

37 ~~B. The applicant must satisfactorily complete the course of study meeting guidelines~~
38 ~~established by the commission.~~

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

13 **Sec. 7. 32 MRSA §13200**, as amended by PL 2005, c. 378, §11 and affected by
14 §29, is repealed.

15 **SUMMARY**

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