



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1724

S.P. 684

In Senate, January 14, 2014

An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative POULIOT of Augusta and
Senators: KATZ of Kennebec, PLUMMER of Cumberland, WHITTEMORE of Somerset,
Representatives: FREDETTE of Newport, VOLK of Scarborough, WILLETTE of Mapleton.

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

2 **Sec. 1. 32 MRSA §14021, sub-§7** is enacted to read:

3 **7. Fingerprinting.** The applicant shall submit to having fingerprints taken. The
4 Maine State Police, upon payment by the applicant of a fee determined by the board, shall
5 take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to
6 the State Bureau of Identification so that the bureau can conduct state and national
7 criminal history record checks.

8 **Sec. 2. 32 MRSA §14024, sub-§2**, as enacted by PL 1999, c. 185, §5, is repealed.

9 **Sec. 3. 32 MRSA §14024, sub-§3**, as enacted by PL 1999, c. 185, §5, is amended
10 to read:

11 **3. Applicants licensed in another jurisdiction.** An applicant who is licensed under
12 the laws of another jurisdiction ~~is governed by this subsection.~~ may be issued a license if:

13 A. ~~An applicant who is licensed under the laws of a jurisdiction that has a current~~
14 ~~reciprocal agreement with the board may obtain a license upon such terms and~~
15 ~~conditions as may be agreed upon through the reciprocal agreement.~~

16 B. ~~An applicant who is licensed, in good standing, under the laws of a jurisdiction~~
17 ~~that has not entered into a reciprocal agreement with the board may qualify for~~
18 ~~licensure by submitting evidence, satisfactory to the board, that the applicant has met~~
19 ~~all of the qualifications for licensure equivalent to those as set forth by this~~
20 ~~subchapter for that level of licensure.~~

21 C. The applicant holds a license in good standing from a jurisdiction with
22 requirements for licensure that meet or exceed the license requirements as set forth by
23 this subchapter for that level of licensure; and

24 D. The appraiser licensing program of the other jurisdiction complies with Title XI
25 of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989
26 as determined by the federal agency responsible for the determination under that Act.

27 **Sec. 4. 32 MRSA §14027, sub-§1**, as amended by PL 2011, c. 286, Pt. L, §2, is
28 further amended to read:

29 **1. Requirement.** As a prerequisite to renewal of a license, an applicant must have
30 completed continuing education as set forth by rules adopted by the board. An applicant
31 may not repeat for credit the same continuing education course offering within a license
32 renewal cycle.

33 **Sec. 5. 32 MRSA §14035, sub-§2**, as amended by PL 2011, c. 286, Pt. L, §3, is
34 further amended to read:

35 **2. Professional qualifications.** An applicant for a certified general real property
36 appraiser license must meet the licensing requirements ~~promulgated~~ established by the
37 appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required
38 by section 14035-A, an applicant must:

1 A. Hold a bachelor's or higher degree from an accredited college or university ~~or~~
2 ~~have successfully passed 30 semester credit hours in the following college-level~~
3 ~~subject matter courses from an accredited college, junior college, community college~~
4 ~~or university:~~

5 (1) ~~English composition;~~

6 (2) ~~Microeconomics;~~

7 (3) ~~Macroeconomics;~~

8 (4) ~~Finance;~~

9 (5) ~~Algebra, geometry or higher mathematics;~~

10 (6) ~~Statistics;~~

11 (7) ~~Computers, word processing and spreadsheets;~~

12 (8) ~~Business or real estate law; and~~

13 (9) ~~Two elective courses in accounting, geography, agricultural economics,~~
14 ~~business management or real estate.~~

15 ~~An applicant may receive credit for a college course for an exam taken through a~~
16 ~~college-level examination program if a college or university accredited by a~~
17 ~~commission on colleges, a regional or national accreditation association or an~~
18 ~~accrediting agency that is recognized by the United States Secretary of Education~~
19 ~~accepts the exam and issues a transcript showing its approval;~~

20 B. Satisfactorily complete 300 creditable class hours as specified in the appraiser
21 qualifications board's required core curriculum, which must include the 15-hour
22 national uniform standards of professional appraisal practice course and examination;
23 and

24 C. ~~Pass the appraiser qualifications board's uniform state-certified general real~~
25 ~~property appraiser examination; and~~

26 D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal
27 experience obtained during no fewer than 30 months, including 1,500 hours of
28 nonresidential appraisal work.

29 **Sec. 6. 32 MRSA §14035, sub-§3,** as enacted by PL 2005, c. 518, §6, is repealed.

30 **Sec. 7. 32 MRSA §14035-A** is enacted to read:

31 **§14035-A. Required examination; certified general real property appraiser**

32 An applicant for a certified general real property appraiser license must pass the
33 appraiser qualifications board's uniform state-certified general real property appraiser
34 examination within 24 months of the date the applicant is eligible to take the
35 examination.

36 **Sec. 8. 32 MRSA §14036, sub-§2,** as amended by PL 2011, c. 286, Pt. L, §4, is
37 further amended to read:

1 **2. Professional qualifications.** An applicant for a certified residential real property
2 appraiser license must meet the licensing requirements ~~promulgated~~ established by the
3 appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required
4 by section 14036-A, an applicant must:

5 A. ~~Hold an associate's a bachelor's or higher degree from an accredited college or~~
6 ~~university or have successfully passed 21 semester credit hours in the following~~
7 ~~collegiate-level subject matter courses from an accredited college, junior college,~~
8 ~~community college or university:~~

9 ~~(1) English composition;~~

10 ~~(2) Principles of microeconomics or macroeconomics;~~

11 ~~(3) Finance;~~

12 ~~(4) Algebra, geometry or higher mathematics;~~

13 ~~(5) Statistics;~~

14 ~~(6) Computers, word processing and spreadsheets; and~~

15 ~~(7) Business or real estate law.~~

16 ~~An applicant may receive credit for a college course for an exam taken through a~~
17 ~~college-level examination program if a college or university accredited by a~~
18 ~~commission on colleges, a regional or national accreditation association or an~~
19 ~~accrediting agency that is recognized by the United States Secretary of Education~~
20 ~~accepts the exam and issues a transcript showing its approval;~~

21 B. Satisfactorily complete 200 creditable class hours as specified in the appraiser
22 qualifications board's required core curriculum, which must include the 15-hour
23 national uniform standards of professional appraisal practice course and examination;
24 and

25 C. ~~Pass the appraiser qualifications board's uniform state-certified residential real~~
26 ~~property appraiser examination; and~~

27 D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal
28 experience obtained during no fewer than 24 months, including complex residential
29 property appraisals completed under the supervision of a certified residential real
30 property appraiser or a certified general real property appraiser under section 14035.

31 **Sec. 9. 32 MRSA §14036, sub-§3,** as enacted by PL 2005, c. 518, §7, is repealed.

32 **Sec. 10. 32 MRSA §14036-A** is enacted to read:

33 **§14036-A. Required examination; certified residential real property appraiser**

34 An applicant for a certified residential real property appraiser license must pass the
35 appraiser qualifications board's uniform state-certified residential real property appraiser
36 examination within 24 months of the date the applicant is eligible to take the
37 examination.

1 **Sec. 11. 32 MRSA §14037, sub-§2**, as enacted by PL 2005, c. 518, §8, is
2 amended to read:

3 **2. Professional qualifications.** ~~Each~~ An applicant for a residential real property
4 appraiser license must meet the licensing requirements ~~promulgated~~ established by the
5 appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required
6 by section 14037-A, an applicant must:

7 A. Satisfactorily complete 150 creditable class hours as specified in the appraiser
8 qualifications board's required core curriculum, which must include the 15-hour
9 national uniform standard of professional appraisal practice course and examination;

10 ~~B. Pass the appraiser qualifications board's licensed residential real property~~
11 ~~appraiser examination; and~~

12 C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal
13 experience obtained during no fewer than 12 months; and

14 D. Hold an associate or higher degree from an accredited college or university or
15 have successfully completed 30 semester credit hours of college-level courses from
16 an accredited college, junior college, community college or university.

17 **Sec. 12. 32 MRSA §14037, sub-§3**, as enacted by PL 2005, c. 518, §8, is
18 repealed.

19 **Sec. 13. 32 MRSA §14037-A** is enacted to read:

20 **§14037-A. Required examination; residential real property appraiser**

21 An applicant for a residential real property appraiser license must pass the appraiser
22 qualifications board's licensed residential real property appraiser examination within 24
23 months of the date the applicant is eligible to take the examination.

24 **Sec. 14. 32 MRSA §14038, sub-§2**, as enacted by PL 2005, c. 518, §9, is
25 amended to read:

26 **2. Professional qualifications.** ~~Each~~ An applicant for a trainee real property
27 appraiser license must meet the licensing requirements ~~promulgated~~ established by the
28 appraiser qualifications board. ~~Each~~ An applicant must satisfactorily complete 75
29 creditable class hours as specified in the appraiser qualifications board's required core
30 curriculum, which must include the 15-hour national uniform standards of professional
31 appraisal practice course and examination;

32 A. Seventy-five creditable class hours as specified in the appraiser qualifications
33 board's required core curriculum, which must include the 15-hour national uniform
34 standards of professional appraisal practice course, within 5 years of the date of
35 application for licensure; and

36 B. A supervisory appraiser and trainee appraiser course as specified by the appraiser
37 qualifications board.

Sec. 15. 32 MRSA §14038, sub-§3, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 16. 32 MRSA §14038, sub-§4, as enacted by PL 2005, c. 518, §9, is amended to read:

4. Number of supervisors. A trainee real property appraiser may have more than one supervising certified residential real property appraiser or certified general real property appraiser, but a supervising appraiser may not supervise more than 3 trainee real property appraisers at one time.

Sec. 17. 32 MRSA §14038, sub-§6, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 18. 32 MRSA §14039 is enacted to read:

§14039. Supervisory appraiser

1. Scope of practice. A supervisory appraiser is responsible for the training, guidance and direct supervision of a trainee real property appraiser as set forth by rules adopted by the board.

2. Certified level license required. A certified general real property appraiser or certified residential real property appraiser who has held a license for a minimum of 3 years and within the last 3 years has not had a license suspended or revoked or been subject to other disciplinary action that limits the licensee's legal eligibility to perform real estate appraisal activity may supervise a trainee real property appraiser.

3. Completion of supervisory course. A supervisory appraiser must satisfactorily complete a supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board to supervise a trainee real property appraiser licensed on or after January 1, 2015.

4. Filing with board. Before employing a trainee real property appraiser, a supervising certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

5. Limitation on number of trainees. A supervisory appraiser may not supervise more than 3 trainee real property appraisers at one time.

Sec. 19. Effective date. This Act takes effect January 1, 2015.

SUMMARY

This bill adopts the following changes to the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

- 1 1. It requires applicants for licensure to be fingerprinted and submit to a background
2 check.
- 3 2. It changes the requirements that an applicant who is licensed in another
4 jurisdiction must meet in order to be licensed in this State.
- 5 3. It provides that a licensee may not repeat for credit the same continuing education
6 course offering within a license renewal cycle.
- 7 4. It changes the educational requirements for applicants and requires that
8 educational and experience requirements must be met before an applicant may take the
9 required examination.
- 10 5. It establishes the qualifications and duties of supervisory appraisers.