



STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
REAL ESTATE COMMISSION  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Janet T. Mills  
Governor

Anne L. Head  
Commissioner

**TESTIMONY OF KAREN L. BIVINS**

Director, Real Estate Commission

Opposing LD 1437

*“An Act to Reduce Poisoning From Radon, Arsenic and Other Air and Water Pollutants by Expanding Education, Testing and Mitigation Regarding Those Pollutants”*

BEFORE THE JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

Sponsored by Representative Kessler

Public Hearing April 20, 2021

Senator Claxton, Representative Meyer and Members of the Committee, my name is Karen Bivins. I am the director of the Real Estate Commission, a licensing board within the Office of Professional and Occupational Regulation, an agency of the Department of Professional and Financial Regulation. I am here today to speak with the Committee in opposition to Section 8 of LD 1437.

Currently, the Commission’s enabling statute found in Title 32 allows the Commission to establish a core educational requirement to be completed by all renewing licensees. Section 8 of LD 1437 modifies the current statute to require that the Commission “shall include in the core educational requirement a program or course approved by the commission related to radon, arsenic, uranium and other air or water pollutants.”

The Commission requires qualifying education at each level of licensure (sales agent, associate broker, and broker/designated broker) that includes instruction on radon, underground storage tanks, arsenic, and other hazardous materials. The education includes information about various hazardous materials, how testing is performed, how the information is to be conveyed in writing to potential buyers, as well as a discussion of mitigation methods. After individuals obtain a license, there continue to be numerous continuing education programs available to them that cover the risks of hazardous materials and mitigation methods employed to rectify such hazards. In the past 4 years, there have been at least 25 separately approved continuing education courses specifically addressing hazardous materials including radon, arsenic, uranium, mold, lead paint, asbestos, and other hazardous materials.



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Renewal of a real estate license requires 21 hours of approved continuing education. The Commission mandates that 3 of those hours be a required core course which must be completed by all licensees. The topic of the course changes approximately every 2 years and is based on recurring issues found in complaint investigations and trends in the profession. The course is developed by Commission members, staff and instructors on a voluntary basis. Hazardous materials are rarely the subject of complaints received. In the past 5 years, there has been only 1 complaint filed with the Commission concerning hazardous materials. Restricting the core course by requiring a particular topic does not advance the purpose of the core course. In light of the fact that licensees are already provided materials on these issues during their licensing career, it is redundant to add this requirement to the core course.

The Commission is not opposed to education about these serious issues, but views the current pre- and post-licensing educational requirements already in place as adequately addressing these concerns. We ask that Section 8 of LD 1437 be removed from the bill.

I am happy to answer any questions now or at the work session.