**02-039**

**REAL ESTATE COMMISSION**

2015 - 2016 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-039**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Real Estate Commission**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2015-2016 RULE-MAKING ACTIVITY**:

**CHAPTER 300**: General Information

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter sets forth the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the "records" section to clarify access to electronic records or other issues resulting from changes in technology. The Commission does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: Within one year if needed.

AFFECTED PARTIES: Real estate licensees and the public.

**CHAPTER 340**: Complaints and Investigations

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter sets forth the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed. The Commission does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and complainants.

**CHAPTER 350**: Adjudicatory Hearings

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter establishes the guidelines for adjudicatory hearings. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its hearing process. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and hearing participants.

**CHAPTER 360**: Prerequisites to Licensure by Individuals

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter establishes the educational qualifications for licensure. Clarification of the educational options available to individuals at the different levels of licensure may be necessary. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate license applicants and course providers.

**CHAPTER 370**: Continuing Education

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter sets forth the guidelines for review and approval of continuing education courses. Changes in approved course topics may be necessary to reflect changes in the industry. Changes may be necessary to ensure that course filing procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualified educational programs, including distance education delivery formats. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

**CHAPTER 390**: Licensing Procedures and Requirements

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter provides information regarding examinations and explains the procedure for filing various license applications. Changes may be needed to clarify a provision. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees, license applicants and course providers.

**CHAPTER 400**: Agency/Designated Broker Responsibilities

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. The Commission may need to amend this chapter to clarify supervisory responsibilities, including the record keeping requirements and schedules.

The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate companies, designated brokers, licensee and the public.

**CHAPTER 410**: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter establishes and clarifies standards for practicing real estate brokerage. The Commission may need to amend this chapter to clarify brokerage practice standards, as necessary, in response to consumer complaints or industry practice. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and the public.