Rulemaking Cover Sheet

2020-010

TO: **Secretary of State**
ATTN: **Administrative Procedure Officer,**
State House Station 101, Augusta, Maine 04333.

FILING
JAN 15 2020
SECRETARY OF STATE

1. **Agency:** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Real Estate Appraisers

2. **Agency umbrella and unit number**: 02-298

3. **Title of rule:** Uniform Standards of Professional Practice

4. **Chapter number assigned to the rule** Chapter 240 Standards of Professional Practice

5. **Date(s)/method(s) of notice:** Newspaper publication by Secretary of State on November 27, 2019; mailing to interested partied on November 27, 2019; posting on Board's web site on November 27, 2019

6. **Date(s)/place(s) of hearing(s):** No public hearing was held

7. **Type:** ☐ new rule ☑ partial amendment(s) of existing rule

   ☐ suspension of existing rule ☐ repeal of rule ☐ emergency rule

   ☐ repeal and replace: complete replacement of existing chapter, with former version simultaneously repealed.

8. **Name/phone of agency contact person:** Karen L. Bivins, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta ME 04333 tel. (207) 624-8524

9. **If a major substantive rule under Title 5, c. 375, sub-CII-A, check one of the following**

   ☐ **Provisional adoption** (prior to Legislative review) ☐ **Final adoption**

   ☐ **emergency adoption of major-substantive rule**

10. **Certification Statement:** I, Wendyann Boston hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by

the Maine Board of Real Estate Appraisers (name of agency) on January 7, 2020 (date).

I further certify that all portions of this rule are adopted in compliance with the requirements of the Maine Administrative Procedure Act.

Signature: Wendyann Boston
(original signature, personally signed by the head of agency)

Printed name & title: Wendyann Boston, Board Chair

EFFECTIVE DATE: JAN 20 2020

JAN 24 2020

11. Approved as to form and legality by the Attorney General on 1/8/20 (date).

Signature Lisa A. Wilson, AAG.

(original signature, personally signed by an Assistant Attorney General)

Printed Name: Lisa A. Wilson, AAG.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

298 BOARD OF REAL ESTATE APPRAISERS

Chapter 240: STANDARDS OF PROFESSIONAL PRACTICE

SUMMARY: This chapter establishes the Uniform Standards of Professional Appraisal Practice as the standards of practice for licensees and requires licensees to display their signature and license number on certifications of appraisals performed.

Section 1. Uniform Standards of Professional Practice

Licensees shall comply with generally accepted standards of professional practice as established by the Uniform Standards of Professional Appraisal Practice ("USPAP"). For purposes of this section, licensees must comply with the ~~2018-2019~~ 2020-2021 edition of USPAP effective January 1, ~~2018~~ 2020. The Board hereby incorporates this edition of USPAP into this chapter by reference. Copies of the ~~2018-2019~~ 2020-2021 edition may be obtained, at cost, from The Appraisal Foundation, Distribution Center, P.O. Box 381, Annapolis Junction, MD 20701-0381. The web site is http://www.appraisalfoundation.org/.

Section 2. Use of License Number

Any person licensed by the Board must display that person's signature and license number on the certification of any appraisal performed in this State. The license number shall include the two (2) letter prefix identifying the type of license held.

STATUTORY AUTHORITY:
32 M.R.S.A. Chapter 124, §14012(3)

EFFECTIVE DATE:
September 18, 1999

AMENDED:
May 29, 2000
April 10, 2001
January 1, 2002
February 8, 2003 - filing 2003-40
December 23, 2003 - filing 2003-473

NON-SUBSTANTIVE CORRECTIONS:
February 20, 2004 - restored web site address in Section 1

AMENDED:
December 21, 2004 – filing 2004-584
June 18, 2006 – filing 2006-259
December 22, 2007 – filing 2007-527
January 1, 2010 – filing 2009-704
January 1, 2012 – filing 2011-406
January 1, 2014 – filing 2013-297
January 1, 2016 – filing 2015-245
August 29, 2018 – filing 2018-170

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August 29, 2018 – filing 2018-170

Basis Statement and Summary of Comments

02 Department of Professional and Financial Regulation

298 Board of Real Estate Appraisers

Chapter 240 Standards of Professional Practice

Adopted January 7, 2020

Basis Statement

The amendments to Chapter 240 update the Standards with which licensees must comply. Effective January 1, 2020 licensees will be expected to comply with the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice ("USPAP"). Title 32 M.R.S. § 14012(3) authorizes the board to establish standards of practice for licensed real estate appraisers, and 32 M.R.S. § 14028 requires licensees to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP"), as promulgated by the Appraisal Standards Board of the Appraisal Foundation. This amendment designates the 2020-21 edition of USPAP as the standards of practice in effect beginning January 1, 2020. Changes from the 2019-2020 edition are discussed in detail in the Appraisal Standards Board's "2020 Summary of Actions Related to USPAP Changes" (June 25, 2019). This document may be downloaded from the Appraisal Foundation website: www.appraisalfoundation.org.

These are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Summary of Comments

No public hearing was held. The public comment period ended December 27, 2019. No comments were received.

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD OF REAL ESTATE APPRAISERS
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Janet T. Mills
Governor

Anne L. Head
Commissioner

January 14, 2020

Donald Wismer
Office of the Secretary of State
Bureau of Corporations, Elections & Commissions
101 State House Station
Augusta, ME 04333-0101

Re: 02-298, Chapter 240, Standards of Professional Practice

Dear Mr. Wismer:

Enclosed is a final adoption package for the rule for the Maine Board of Real Estate Appraisers. I believe I have enclosed everything needed for your office to accept this rule for filing.

Notice of the Board's intent to amend this rule was included in our Department's 2019-2020 Regulatory Agenda filed with your office and the legislature.

Thank you for your assistance in this matter. Should have any question please feel free to contact me at 624-8524 or by email at Karen.L.Bivins@maine.gov.

Sincerely,

Karen L. Bivins

Karen L. Bivins
Board Administrator

Enclosures (2 copies of all)
MAPA-4
MAPA-1
Rle Chapter 240 (paper) clean and marked up
Basis Statement & Summary of Comments
Checklist
Fact Sheet

revised 8-2019

Rulemaking Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Real Estate Appraisers.

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Karen L. Bivins, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8524, Karen.L.Bivins@maine.gov

CHAPTER NUMBER AND RULE TITLE: 02-298, Chapter 240, "Standards of Professional Practice".

TYPE OF RULE *(check one)*: ☒ Routine Technical ☐ Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. § 14012

DATE, TIME AND PLACE OF PUBLIC HEARING: None.

COMMENT DEADLINE: December 27, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The amendments to Chapter 240 are proposed to update the Standards with which licensees must comply. Effective January 1, 2020 licensees will be expected to comply with the 2020-21 edition of the Uniform Standards of Professional Appraisal Practice ("USPAP").

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? _X_YES ___NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)] Chapter 240: On January 1, 2020, the 2020-21 edition of USPAP will supersede the 2018-19 edition as the standards of practice for Maine-licensed real estate appraisers. Changes from the 2020-21 edition are discussed in detail in the Appraisal Standards Board's "2020 Summary of Actions Related to USPAP Changes" (June 25, 2019). This document may be downloaded from the Appraisal Foundation website: www.appraisalfoundation.org.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B] Chapter 240: Summary of changes from the 2020-21 edition of USPAP by the Appraisal Standards Board of the Appraisal Foundation; professional judgment.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)] None

FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: [*see* §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]

BENEFITS OF THE RULE: [*see* §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Administrative Procedure Act
CHECKLIST

Agency: Department of Professional and Financial Regulation; Office of Professional and Occupational Regulation, Board of Real Estate Appraisers

Chapter Number and Title of Rule: 02-098 Chapter 240 Standards of Professional Practice; Section1. Uniform Standards of Professional Practice

PROPOSED RULE:

1. Was this rule listed on the last regulatory agenda? Yes

2. Date of notification of: Anyone on mailing list November 27, 2019 and GovDelivery email notice

   Any trade, industry or professional group posted on Board's webpage November 27, 2019

   Any trade publications N/A

3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: November 15, 2019

4. Date Fact Sheet sent to Executive Director of Legislative Council: December 4, 2019

5. Date of publication in Secretary of State's rulemaking ad.: November 27, 2019

6. Date of hearing(s): No public hearing 7. Comment deadline: December 27, 2019

ADOPTED RULE:

8. Was comment deadline extended or comment period reopened? No

   If yes, date of second notice publication in Secretary of State's rulemaking ad: _____

9. Is adopted rule consistent with what was proposed? Yes
   (If not, please address the changes in the comments and responses section of your filing.)

10. Is the person signing the Certification Statement (MAPA-1, #9) authorized to do so as stated in your statutes or in 5 MRSA, c.71? Yes

11. Was the rule adopted within 120 days of the comment deadline? Yes

12. Was the rule approved and signed by the Office of the Attorney General within 150 days of the comment deadline? Yes

13. Is a Basis Statement included? Yes Is a copy of the Fact Sheet included? Yes

    Are comments, with names and organizations, and your responses included? None received

Notice of Agency Rulemaking Adoption

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Real Estate Appraisers

CHAPTER NUMBER AND TITLE: 02-298, Chapter 240, "Standards of Professional Practice"

ADOPTED RULE NUMBER: **2020-010**

CONCISE SUMMARY

The amendments to Chapter 240 update the Standards with which licensees must comply. Effective January 1, 2020 licensees will be expected to comply with the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice ("USPAP"). Title 32 M.R.S. § 14012(3) authorizes the board to establish standards of practice for licensed real estate appraisers, and 32 M.R.S. § 14028 requires licensees to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP"), as promulgated by the Appraisal Standards Board of the Appraisal Foundation. This amendment designates the 2020-21 edition of USPAP as the standards of practice in effect beginning January 1, 2020. Changes from the 2019-2020 edition are discussed in detail in the Appraisal Standards Board's "2020 Summary of Actions Related to USPAP Changes" (June 25, 2019). This document may be downloaded from the Appraisal Foundation website: www.appraisalfoundation.org.

These are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

EFFECTIVE DATE: JAN 2 0 2020
(TO BE FILLED IN BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Karen L. Bivins, Board Administrator
AGENCY NAME: Office of Professional and Occupational Regulation
ADDRESS: 35 State House Station, Augusta, ME 04333
TELEPHONE: (207) 624-8524
EMAIL: Karen.L.Bivins@maine.gov