**02-039**

**REAL ESTATE COMMISSION**

2020 - 2021 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**: Chapter 360 Section 4(3)

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY**: The emergency rule will be adopted as a permanent rule change in July 2020. In addition, the Commission is considering updating various sections of all chapters.

**CHAPTER 300**: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 310**: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 340**: Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 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 Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and complainants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 350**: Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and hearing participants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 370**: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 390**: Licensing Procedures and Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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

STATUTORY AUTHORITY: 32 M.R.S. § 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, record keeping requirements and schedules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

**CHAPTER 410**: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.