**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**039 REAL ESTATE COMMISSION**

**Chapter 360: PREREQUISITES TO LICENSURE BY INDIVIDUALS**

**Summary:** This chapter establishes the educational guidelines which must be met by individuals in order to qualify for licensure under 32 MRSA Chapter 114.

* 1. **Policy Statement**

The Commission shall encourage the development and delivery of high quality pre-licensure courses throughout the state. In an effort to heighten professionalism within the real estate industry, the Commission shall encourage degree-granting institutions in the state to develop and deliver such courses

* 1. **Definitions**
		1. **Qualifying Educational Program**

“Qualifying educational program” means a program or course of study which meets one or more of the minimum competencies defined in the Commission-approved models entitled “The Sales Agent Course,” “The Associate Broker Course” or “The Designated Broker Course.” These courses shall be sponsored by a degree-granting institution, a proprietary school or a public school adult education program that follows the Commission-established procedure for approval.

* + 1. **Program Sponsor**

A program sponsor shall be defined as that individual, group of individuals, or organization responsible for the development, coordination, administration and delivery of a course or program.

* + 1. **Satisfactory Completion**

Satisfactory completion of a course or program shall mean having met all minimum requirements established by the sponsor for the course or program and having achieved a grade of at least 75%.

* 1. **Approval of Qualifying Educational Program**
		1. **Syllabus**

The program sponsor shall submit the course syllabus, on a form furnished by the director, meeting the minimum course competencies set for each course as described in Section 5 of this chapter for each pre-licensure course offered. The syllabus, at a minimum, must contain:

* + - 1. Name, address, phone number of the sponsor;
			2. Name, address, phone number of the instructor;
			3. Course title;
			4. Course start and end dates;
			5. Class session times;
			6. Course text titles and publishers;
			7. A class session-by-session breakdown of the content and concepts to be covered, with quiz and test dates noted;
			8. Grading policy;
			9. Attendance policy; and
			10. Final course examination and answer key.

The course sponsor shall submit the syllabus and the filing fee to the director at least 30 days prior to the first class session. A syllabus received less than 30 days prior to the first class session will be assessed a late filing fee.

* + 1. **Reporting Program Changes**

The course sponsor shall report any substantial change in a submitted or approved course syllabus to the director.

* + 1. **Syllabus Review**

The director, within 30 days of receipt of a complete syllabus, shall notify the sponsor, in writing, of the approval or denial of the syllabus.

* + 1. **Appeal of Denial to the Director**

A sponsor who is aggrieved by denial of syllabus approval may request a hearing to appeal the decision. Such request shall be made in writing, and shall be submitted within 30 days of receipt of the denial of the syllabus.

* + 1. **Distribution of Course Guidelines and Syllabus**

At the first class session, the sponsor shall disseminate to students the course guidelines developed by the Commission and the syllabus.

* + 1. **Advance Notice to Course Participants**

Upon commencement of the first class session of a pre-licensure course, the instructor shall read and distribute to the students one of the following statements. If the syllabus for the course has been approved, Statement #1 is to be read. If the syllabus for the course has not been submitted or the course has not received approval, Statement #2 is to be read.

**Statement #1** – “The Maine Real Estate Commission is committed to quality real estate education. Toward this goal, the syllabus for this pre-license course has been reviewed and approved as meeting the guidelines established by the Commission. These guidelines and the syllabus have been distributed for your information. At the end of this course, you will be given an opportunity to critique this course and its delivery. The Commission welcomes your comments regarding your experience in this course.”

**Statement #2** – “The Maine Real Estate Commission is committed to quality real estate education. To achieve this goal, the syllabus for each pre-license course must be submitted and approved before the course is promoted as meeting pre-license requirements. The syllabus for this course has not been approved. Unless and until it is approved, you may not assume that successful completion of this course will qualify you for licensure”.

* + 1. **Student Enrollment Report**

The course sponsor shall be responsible for submitting a completed enrollment report, in a format approved by the director, within 30 days of the completion of each pre-license course.

* + 1. **Evaluations Required**

The course sponsor shall distribute course evaluation forms to students for their critique of the learning experience. A summary of the student evaluations shall be submitted to the director with the enrollment report.

* + 1. **Transcripts**

The course sponsor shall provide a course transcript to students successfully completing the course. Such transcript shall, at a minimum, include the course title, student’s name, final numerical grade, beginning and course completion date and be signed by the course sponsor.

* + 1. **Disciplinary Action**

Approval of pre-license courses may be revoked or suspended for violation of this chapter.

* + 1. **Prohibition Against Recruiting**

The course sponsor shall not allow anyone to use the school’s premises or classroom to recruit new affiliates for any real estate brokerage company.

* 1. **Educational Requirements For Licensure**
		1. **Real Estate Broker**

A. An applicant who has been licensed as an associate broker affiliated with a real estate brokerage agency for 2 years within the 5 years immediately preceding the date of application must submit evidence of satisfactory completion of a qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled “The Designated Broker Course.” The application for licensure must be submitted within one year of completion of this educational program.

* + 1. **Associate Real Estate Broker**

An applicant who has practiced as a real estate sales agent for 2 years within the 5 years immediately preceding the date of application must submit a course transcript confirming that the applicant successfully completed the qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled “The Associate Broker Course.”

* + 1. **Real Estate Sales Agent**

As a prerequisite to examination, an applicant for a sales agent license must, within one year of completion of the course, submit a course transcript confirming that the applicant successfully completed a qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled “The Sales Agent Course”. If the one year expiration of the course transcript occurs after March 16, 2020 and while testing sites are closed or have limited hours, then the applicant may apply for examination up to 180 days after examination testing sites are fully reopened.

* 1. **Commission Established Minimum Competencies**
		1. **Generally**

The Commission shall establish minimum competency requirements for all levels and types of licensure. Educational models and examinations shall be designed to satisfy these requirements.

* + 1. **Annual Review**

The Commission, on an annual basis, shall review the minimum competencies required for all levels and types of licensure.

STATUTORY AUTHORITY:

 32 MRS §13065(6)

EFFECTIVE DATE:

 February 1, 1988

AMENDED:

 April 17, 1989 - Sections 2 & 3

 April 1, 1994 - Sec. 2

 April 1, 1994 - Sec 3 (added)

 April 1, 1994 - Sec. 4, 5, & 6 (changed numbering only)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 October 22, 1996

AMENDED:

 October 4, 1999

NON-SUBSTANTIVE CORRECTIONS:

 April 6, 2000 - spacing only

AMENDED:

 August 5, 2002 – filing 2002-287, Section 3(10); Section 5 repealed, Section 6 renumbered to Section 5

 July 1, 2006 – filing 2006-190

 October 13, 2009 – filing 2009-545

 April 22, 2020 – filing 2020-100 (EMERGENCY)

 August 13, 2020 – Section 4(3), filing 2020-186

APAO ACCESSIBILITY CHECK: July 24, 2025