

Annual List of Rulemaking Activity
Rules Adopted January 1, 2020 to December 31, 2020
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Professional and Financial Regulation,
Real Estate Commission
Umbrella-Unit: **02-039**
Statutory authority: 12 MRS §13065
Chapter number/title: **Ch. 360**, Prerequisites to Licensure by Individuals
Filing number: **2020-100**
Effective date: 4/22/2020
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

Under current REC rules at ch. 360 section 4(3), REC requires that 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 has successfully completed a qualifying education program which covers the minimum competencies defined in the REC-approved model entitled "The Sales Agent Course." REC examinations are administered by Pearson Vue. Due to the COVID-19 emergency, Pearson Vue testing sites were closed on March 16, 2020. Sales agent license candidates whose one-year window to qualify for examination expires on or after March 16, 2020 will not be able to qualify for examination when testing sites reopen. Therefore, an extension of the time period during which completion certificates will be valid is necessary. It promotes the public health and the Governor's Executive Orders to provide an emergency accommodation to those prospective sales agents. Once testing sites are fully reopened there will be a backlog in various examinations administered by Pearson Vue. It promotes public health to extend the time to qualify for the sales agent examination until 180 days after the testing sites fully reopen in order that test takers can be spread out over more test sessions.

Basis statement:

The Maine Real Estate Commission (REC) adopts this emergency rule change in 02-039 C.M.R. ch. 360, *Prerequisites to Licensure by Individuals*, pursuant to 32 MRS §13065 and the REC's emergency rulemaking authority under 5 MRS §8054 and in response to the Governor's Proclamation of State of Civil Emergency to Further Protect Public Health (dated March 15, 2020) and the Governor's Executive Order 19 FY 19/20, *An Order Regarding Essential Business and Operations* (effective March 24, 2020).

Purpose of Emergency Change

Under current REC rules at ch. 360 section 4(3), REC requires that 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 has successfully completed a qualifying education program which covers the minimum competencies defined in the REC-approved model entitled "The Sales Agent Course." REC examinations are administered by Pearson Vue. Due to the COVID-19 emergency, Pearson Vue testing sites were closed on March 16, 2020. Sales agent license candidates whose one-year window to qualify for examination expires on or after March 16, 2020 will not be able to qualify for examination when testing sites reopen. Therefore, an extension of the time period during which completion certificates will be valid is necessary. It promotes the public health and the Governor's Executive Orders to provide an emergency accommodation to those prospective sales agents. Once testing sites are fully reopened there will be a backlog in various examinations administered by Pearson Vue. It promotes public health to extend the time to qualify for the sales agent examination until 180 days after the testing sites fully reopen in order that test takers can be spread out over more test sessions.

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Specific Change to ch. 360

The proposed change will amend Section 4(3) to extend the period of time during which applicants for a sales agent licenses have to pass the sales agent examination after they have successfully completed the sales agent course. The time will be extended from one year to 180 days after testing sites fully reopen.

Fiscal impact of rule:

None.

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Real Estate Commission
Umbrella-Unit: **02-039**
Statutory authority: 12 MRS §13065
Chapter number/title: **Ch. 360**, Prerequisites to Licensure by Individuals
Filing number: **2020-186**
Effective date: 8/13/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

Under REC rules at ch. 360 §4(3), REC requires that 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 has successfully completed a qualifying education program which covers the minimum competencies defined in the REC-approved model entitled “The Sales Agent Course.” REC examinations are administered by Pearson Vue. Due to the COVID-19 emergency, Pearson Vue testing sites were closed on March 16, 2020. An emergency rule became effective on April 20, 2020 amending §4(3) which allows a sales agent candidate to qualify for examination for up to 180 days after Pearson Vue testing sites are fully operational, regardless of whether the candidate’s course completion certificate expired after March 16, 2020. The emergency rule is in place for 90 days. This rule amendment will ensure that sales agent candidates can continue to qualify for examination up to 180 days after the testing sites reopen, regardless of the expiration date of the course completion certificate, and after the emergency rule expires.

Fiscal impact of rule:
None.