

Notice of Agency Rule-making Proposal

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

CHAPTER NUMBER AND TITLE: Chapter 240, Standards of Professional Practice

PROPOSED RULE NUMBER *(leave blank; assigned by Secretary of State)*:

CONTACT PERSON FOR THIS FILING: Carol Leighton, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8520, email carol.j.leighton@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): same

PUBLIC HEARING (if any): none scheduled

COMMENT DEADLINE: October 28, 2011

BRIEF *SUMMARY: Title 32 MRSA § 14012(3) authorizes the board to establish standards of practice for licensed real estate appraisers, and 32 MRSA § 14028 requires licensees to comply with the Uniform Standards of Professional Appraisal Practice (“USPAP”) promulgated by the Appraisal Standards Board of the Appraisal Foundation. This amendment designates the 2012-13 edition of USPAP as the standards of practice in effect beginning January 1, 2012. Changes from the 2010-11 edition are discussed in detail in Appraisal Standards Board, “2011 Summary of Actions Related to Proposed USPAP Changes” (April 8, 2011). This document may be downloaded from the web site of the Appraisal Foundation, www.appraisalfoundation.org. The download link is <http://appraisalfoundation.sharefile.com/d/sd470eea561f412ab>. A copy of the proposed rule may be downloaded from OLR’s web site at www.maine.gov/professionallicensing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): none

STATUTORY AUTHORITY FOR THIS RULE: 32 MRSA §14012(3)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): 32 MRSA §14028; 12 USC §§3336, 3339 (Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989, as amended, Real Estate Appraisal Reform Amendments, Sections 1107, 1110).

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Rule-Making Fact Sheet

(5 MRSA §8057-A)

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NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Carol Leighton, Board Administrator, 35 State House Station, Augusta, ME, tel. (207) 624-8520

CHAPTER NUMBER AND RULE TITLE: Chapter 240, Standards of Professional Practice

STATUTORY AUTHORITY: 32 MRSA 14012(3)

DATE AND PLACE OF PUBLIC HEARING: none scheduled

COMMENT DEADLINE: October 28, 2011

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: Upcoming publication of an updated edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”) for 2012-13.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Discussion of changes from the 2010-11 edition of USPAP by the Appraisal Standards Board of the Appraisal Foundation; professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: On January 1, 2012, the 2012-13 edition of USPAP will supersede the 2010-11 edition as the standards of practice for Maine-licensed real estate appraisers. Changes from the 2010-11 edition are discussed in detail in Appraisal Standards Board, “2011 Summary of Actions Related to Proposed USPAP Changes” (April 8, 2011). This document may be downloaded from the web site of the Appraisal Foundation, www.appraisalfoundation.org. The download link is: <http://appraisalfoundation.sharefile.com/d/sd470eea561f412ab>

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 14 FY 11/12: (A) The proposed rules will not negatively impact job growth or creation; (B) There are no fees included in the proposed rule; (C) There will be no cost to licensees to comply with the proposed rules other than the purchase price of the 2012-13 edition of USPAP. The updated USPAP imposes no new cost or compliance burdens in comparison to the 2010-11 edition; (D) Title 32 MRSA §14028 requires licensed real estate appraiser to comply with USPAP; (E) Federal law requires compliance with USPAP for real estate appraisals in federally related transactions.

FISCAL IMPACT OF THE RULE: None

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

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

298 BOARD OF REAL ESTATE APPRAISERS

Chapter 240: STANDARDS OF PROFESSIONAL PRACTICE

SUMMARY: This ~~rule references the edition of the standards of professional practice and the certification of appraisal~~ 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 ~~2010-11~~2012-13 edition of USPAP effective January 1, ~~2010~~2012. The Board hereby incorporates this edition of USPAP into this chapter by reference. Copies of the ~~2010-11~~2012-13 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 MRSA §14012(3)

EFFECTIVE DATE: January 1, 2012