

§14042. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 475, Pt. D, §1 (REEN).]

1. Appraisal. "Appraisal" has the same meaning as in section 14002, subsection 1. [PL 2017, c. 475, Pt. D, §1 (REEN).]

2. Appraisal assignment. "Appraisal assignment" means an agreement between an appraiser and an appraisal management company to provide an appraisal service. "Appraisal assignment" does not include an appraisal review or quality control examination. [PL 2017, c. 475, Pt. D, §1 (REEN).]

3. Appraisal management company. "Appraisal management company" means a person that:

A. Provides appraisal management services to creditors or secondary mortgage market participants with appraisers who are part of an appraiser panel that includes more than 15 appraisers who are independent contractors; [PL 2017, c. 475, Pt. D, §1 (REEN).]

B. Provides appraisal management services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and [PL 2017, c. 475, Pt. D, §1 (REEN).]

C. Within a calendar year or a 12-month period established by board rule, oversees an appraiser panel of more than 15 certified or licensed appraisers in one state or 25 or more certified or licensed appraisers in more than one state. [PL 2017, c. 475, Pt. D, §1 (REEN).]

"Appraisal management company" does not include a department or division of an entity that provides appraisal management services only to that entity.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

4. Appraisal management service. "Appraisal management service" means one or more of the following:

A. Recruiting, selecting and retaining appraisers; [PL 2017, c. 475, Pt. D, §1 (REEN).]

B. Contracting with appraisers to perform appraisal assignments; [PL 2017, c. 475, Pt. D, §1 (REEN).]

C. Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided and paying appraisers for services performed; and [PL 2023, c. 543, §3 (AMD).]

D. Reviewing and verifying the work of appraisers. [PL 2017, c. 475, Pt. D, §1 (REEN).]
[PL 2023, c. 543, §3 (AMD).]

5. Appraisal review. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of the work performed by an appraiser as part of an appraisal assignment, which may take into account the appraiser's data collection, analysis, opinions, conclusions, estimate of value or compliance with the Uniform Standards of Professional Appraisal Practice. "Appraisal review" does not include a quality control examination.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

6. Appraisal service. "Appraisal service" means an act or process of completing an appraisal assignment.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

7. Appraiser. "Appraiser" means a person licensed under chapter 124.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

8. Appraiser panel. "Appraiser panel" means a network, list or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. "Appraiser panel" includes appraisers accepted by an appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by an appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

9. Board. "Board" means the Board of Real Estate Appraisers under section 14011.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

10. Client. "Client" means a person that contracts with or otherwise enters into an agreement with an appraisal management company for the performance of appraisal management services.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

11. Consumer credit. "Consumer credit" means credit offered or extended to a consumer primarily for personal, family or household purposes.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

12. Controlling person. "Controlling person" means:

A. An owner, officer or director of an appraisal management company; [PL 2017, c. 475, Pt. D, §1 (REEN).]

B. An individual employed, appointed or authorized by an appraisal management company who has authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has authority to enter into agreements with appraisers for the performance of appraisal services; or [PL 2017, c. 475, Pt. D, §1 (REEN).]

C. An individual who is authorized to, directly or indirectly, direct or cause the direction of the management or policies of an appraisal management company. [PL 2017, c. 475, Pt. D, §1 (REEN).]

[PL 2017, c. 475, Pt. D, §1 (REEN).]

13. Covered transaction. "Covered transaction" means a consumer credit transaction secured by a consumer's principal dwelling.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

14. Creditor. "Creditor" means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than 4 installments, not including a down payment, and to whom the obligation is initially payable, either on the face of the note or contract or by agreement when there is no note or contract. For the purpose of this subsection, a person regularly extends consumer credit if the person:

A. Extended credit, other than credit subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 more than 5 times for transactions secured by a dwelling in the preceding calendar year; or [PL 2017, c. 475, Pt. D, §1 (REEN).]

B. In any 12-month period, originates more than one credit extension that is subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 or one or more such credit extensions through a mortgage broker. [PL 2017, c. 475, Pt. D, §1 (REEN).]

[PL 2017, c. 475, Pt. D, §1 (REEN).]

15. Dwelling. "Dwelling" means a residential structure that contains one to 4 units, whether or not the structure is attached to real property. "Dwelling" includes an individual condominium unit, cooperative unit, mobile home and trailer, if it is used as a residence.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

16. Federal appraisal subcommittee. "Federal appraisal subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council under 12 United States Code, Chapter 34.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

17. Federal financial institutions regulatory agency. "Federal financial institutions regulatory agency" means the federal Office of the Inspector General, Consumer Financial Protection Bureau, Federal Housing Finance Agency or Board of Governors of the Federal Reserve System; the Federal Deposit Insurance Corporation; the Office of the Comptroller of the Currency; or the National Credit Union Administration.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

18. Federally regulated appraisal management company. "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 United States Code, Section 1813 and regulated by the federal Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation.

[PL 2023, c. 543, §4 (AMD).]

19. Federally related transaction. "Federally related transaction" has the same meaning as in section 14002, subsection 9.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

20. Federally related transaction regulations. "Federally related transaction regulations" means regulations established by a federal financial institutions regulatory agency pursuant to Title XI, Sections 1112, 1113 and 1114 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 United States Code, Sections 3341 to 3343.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

21. Person. "Person" means an individual, firm, partnership, association, corporation, limited liability company, sole proprietorship or any other entity.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

22. Principal dwelling. "Principal dwelling" means a consumer's principal dwelling. "Principal dwelling" includes a dwelling a consumer buys or builds that will become the consumer's principal dwelling within one year or upon the completion of construction. "Principal dwelling" does not include a vacation or other second home.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

23. Quality control examination. "Quality control examination" means an examination of an appraisal report for completeness, including for grammatical, mathematical and typographical errors. "Quality control examination" does not include an appraisal review.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

24. Secondary mortgage market participant. "Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. "Secondary mortgage market participant" includes an individual investor in a mortgage-backed security only if that investor is also a guarantor, issuer, underwriter or issuer of the mortgage-backed security.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

25. Uniform Standards of Professional Appraisal Practice. "Uniform Standards of Professional Appraisal Practice" has the same meaning as in section 14002, subsection 15.

[PL 2017, c. 475, Pt. D, §1 (REEN).]

SECTION HISTORY

PL 2017, c. 270, §1 (NEW). PL 2017, c. 475, Pt. D, §1 (REEN). MRSA T. 32 §14049-K, sub-§1 (RP). PL 2023, c. 543, §§3, 4 (AMD).

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