

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842 and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1939

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

CHAP. 201

The board shall, as far as possible, eliminate needless duplication, travel and other expense in examination, licensing and inspection services carried on by the bureau of health in the department of health and welfare, and by the department of agriculture, and shall have full authority to perform all acts necessary to accomplish such purpose. Provided, however, that nothing contained in this act shall be deemed to give said board any authority to dispense with or transfer the inspection of milk and registration of milk dealers from the jurisdiction of the department of agriculture or to dispense with or transfer any other such services except where duplication and unnecessary expense may be found to exist and where such services can reasonably be consolidated.

Sec. 2. Transfer of funds. Whenever the governor and council shall find that the state or any of its departments, divisions or bureaus is incurring expense and using funds of the state in connection with the carrying on of the work of any board or commission which collects fees from the persons so supervised and licensed, including salaries, travel and the expense of office equipment and supplies, they are hereby authorized and empowered to transfer from any funds now or hereafter held by any such board or commission such sums of money as shall reimburse the state or any department or bureau thereof for such expense so incurred, including a reasonable charge for office space, light and heat. Such sums so transferred shall be added to and become a part of the funds of the department, bureau or division incurring such expense.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 10, 1939.

Chapter 201

AN ACT Relating to Real Estate Brokers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. L., 1937, c. 83, § 7, amended. The 7th paragraph of section 7 of chapter 83 of the public laws of 1937 is hereby amended to read as follows:

'Every resident real estate broker shall maintain a place of business in this state. If the real estate broker maintains more than 1 place of business within the state, a duplicate license shall be issued to such broker for each branch office maintained, and a fee of \$1 shall be paid for each duplicate license.'

Sec. 2. P. L., 1937, c. 83, § 10, amended. Section 10 of chapter 83 of the public laws of 1937 is hereby amended to read as follows:

'Sec. 10. Nonresident brokers and salesmen. A nonresident of this state may become a real estate broker or a real estate salesman by conforming to all of the conditions of this section and this act.

In its discretion the commission may accept, in lieu of the recommendations and statements required under the provisions of section 5 hereinabove to accompany an application for license, the license issued to a nonresident broker or salesman in another state, upon payment of the license fee and the filing by the applicant with the commission of a certified copy of applicant's license issued by such other state; (1) ~~Provided that such~~ A nonresident applicant, if a broker, shall maintain an active place of business in the state by which he is originally licensed; and in which he is located; and

(2) ~~Provided further that~~ Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this state on the secretary of the commission, said consent stipulating and agreeing that such service of such process or pleadings on said secretary shall be taken and held in all courts to be as valid and binding as if due service has been made upon said applicant personally within this state. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board, authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the secretary of the commission, it shall be by duplicate copies, 1 of which shall be filed in the office of the commission, and the other immediately forwarded by registered mail to the main office of the applicant against which said process or pleadings are directed.'

Sec. 3. P. L., 1937, c. 83, § 13, amended. Section 13 of chapter 83 of the public laws of 1937 is hereby amended by adding at the end thereof the following: 'A licensed broker, however, may share his commission with a nonresident broker, even though the latter is not licensed in his own state, or in the state of Maine, provided such nonresident broker is doing business regularly and legally within his own state.'