

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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STATE OF MAINE

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may directly or indirectly solicit or negotiate insurance contracts or hold itself out to be an insurance agent, unless so qualified and licensed under Title 24-A.

4. **Penalties.** If a person acts as a sales agent without being registered with the director or after his registration has been withdrawn or revoked, that person shall be fined up to \$100 per day for each day in which he has so acted, but any home service contract issued pursuant to these acts shall bind the home service company if otherwise valid. In these cases, the Administrative Court may also, for good cause shown, and after notice and hearing, suspend or revoke the license of the home service company for which the person was acting.

5. **Trust funds.** All funds belonging to home service companies or insurers under this subchapter and received by a sales agent in transactions shall be trust funds received in a fiduciary capacity. The sales agent shall account for and pay these funds to the home service company or insurer entitled thereto in the regular course of business. Any sales agent who diverts or appropriates these funds, or any portion thereof, to his own or other use shall upon conviction be guilty of a Class D crime, punishable as provided by statute.

6. **Associates.** All home service contract sales associates are subject to the same requirements and penalties as are applicable to home service contract sales agents, except that licensed real estate brokers and salesmen are exempt from registration requirements.

§ 4137. Penalty for violation

Any person who knowingly makes a false or otherwise fraudulent application for license under this subchapter or who knowingly violates any of its provision, in addition to any applicable denial, suspension, revocation or refusal to renew or continue any license, is guilty of a Class D crime. Each instance of violation is a separate offense.

Effective September 18, 1981

CHAPTER 76

H. P. 310 — L. D. 342

AN ACT to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen.

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

Sec. 1. 32 MRSA § 4002, 3rd ¶ is repealed and the following enacted in its place:

Any applicant who satisfies the commission that he holds a current license in good standing issued by another state is not required to complete a course approved by the commission or to take and pass those parts of the examination unrelated to Maine law. This paragraph shall not apply unless the commission determines that the state issuing the license imposes requirements at least as strict as those imposed by this State and extends similar privileges to residents of this State.

Sec. 2. 32 MRSA § 4103, sub-§ 1, ¶ E, 2nd sentence, as amended by PL 1975, c. 767, § 66, is further amended to read:

If the applicant is applying for a real estate broker's license, he must in addition have satisfactorily completed an educational course in the field of real estate approved by the commission or been employed as a licensed salesman full-time for at least a year, **except as provided in section 4002.**

Sec. 3. 32 MRSA § 4110, first ¶, first sentence, as repealed and replaced by PL 1979, c. 693, § 4, is amended to read:

Each applicant for an original real estate broker or real estate salesman license or any person whose license has been expired for 2 years or more shall be required to pay an examination fee and appear in person at the time and place designated by the commission for the purpose of written examination, **except as provided in section 4002.**

Effective September 18, 1981

CHAPTER 77

S. P. 140 — L. D. 379

AN ACT to Change the Requirements for Appointment to the Board of Commissioners of the Profession of Pharmacy.

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

32 MRSA § 2851, 2nd ¶, as amended by PL 1977, c. 231, is repealed and the following enacted in its place:

Prior to appointing any pharmacist a member of the board, the Governor shall solicit recommendations of candidates from the Maine Pharmaceutical Association and other pharmaceutical organizations as he deems appropriate.

Effective September 18, 1981