

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Sec. 16. Funds for enforcement.—The insurance commissioner is hereby empowered to expend up to 20% of the funds accruing to the oil burnermen's licensing board for the employment of one or more state fire inspectors, subject to the provisions of the personnel law, to assist in the enforcement of the provisions of this chapter and for the purchase of necessary electrical testing equipment. (1955, c. 352, § 1.)

Chapter 84.

Registration of Real Estate Brokers and Salesmen.

Sec. 1. Maine real estate commission; powers; duties; compensation.

The fees collected under the provisions of this chapter shall be paid forthwith by the commission to the treasurer of state with a detailed statement thereof and shall constitute a fund to be known as the "Real Estate Fund." Said fund shall be kept as a separate account by said treasurer of state and he shall pay therefrom, upon vouchers signed by the chairman of the commission and approved by the state controller, the cost and expenses of administering the provisions of this chapter. All of the costs and expenditures of the commission shall be paid only from said fund and in no event shall any payments for the expenses of the commission exceed the amount received by said treasurer from said commission. Any moneys remaining in the real estate fund at the end of the fiscal year shall be carried forward to the credit of the said fund for the succeeding year. The commission may, within the moneys available in the "Real Estate Fund" defray the cost of an educational program for real estate brokers and salesmen. Such program shall be under the direction and supervision of the commission. (R. S. c. 75, § 1. 1955, c. 299, § 1.)

Effect of amendment.—The 1955 amendment, only the last paragraph is set out. The 1957 amendment added the last sentence. As the rest of the section was not changed by the

Sec. 2. Definitions and exceptions.

I. A "real estate broker" is any person, firm, partnership, association or corporation who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or rents or offers for rent, or lists or offers to list for sale, lease or rent, any real estate or the improvements thereon for others, as a whole or partial vocation.

A "real estate broker" shall also include any person, firm, partnership, association or corporation who engages in the business, for a fee, in connection with any contract whereby he undertakes to promote the sale of real estate through the listing of such property in a publication, issued primarily for such purpose or for referral of information concerning properties to licensed real estate brokers, or both. (1955, c. 299, § 2. 1957, c. 32)

III. A "real estate salesman" shall mean and include any person employed or engaged by or on behalf of a licensed real estate broker to do or deal in any activity as included in subsection I hereof, for compensation or other valuable consideration. (1955, c. 299, § 3)

Effect of amendments. — The 1955 amendment inserted the words "or lists or offers to list for sale, lease or rent" in subsection I and rewrote subsection III. The 1957 amendment inserted the last paragraph under subsection I. As the rest of the section was not changed by the amendments, only subsections I and III are set out.

The 1957 amendment inserted the last

Sec. 4. Qualifications for license.—Brokers' licenses shall be granted only to persons who are 21 years of age or over. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the commission. The applicant must be a person whose application has not been rejected in this or any other state within 6 months prior to date of application, or whose real estate license has not been revoked in this or any other state within 2 years prior to date of application. A license may be denied to any applicant who has been convicted of any crime involving moral turpitude. (R. S. c. 75, § 4. 1947, c. 196. 1955, c. 423.)

Effect of amendment.—The 1955 amendment rewrote the last sentence, which formerly made conviction of embezzlement or obtaining money by false pretenses grounds for denying a license.

Sec. 7. Details relating to license, fees, etc.—The commission shall issue to each licensee a license in such form and size as shall be prescribed by the commission. This license shall show the name and address of the licensee, and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the commission and in addition to the foregoing shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to display conspicuously his license and the licenses of all his salesmen in his place of business.

Every resident real estate broker shall maintain a place of business in this state. If the real estate broker maintains more than one place of business within the state, a duplicate license shall be issued to such broker for each branch office maintained and a fee of \$2 shall be paid for each duplicate license. A fee of \$2 shall be paid for a license for change of business location or branch office.

When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by registered mail to the commission such real estate salesman's license. The real estate broker shall, at the time of mailing such real estate salesman's license to the commission, address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman that his license has been delivered or mailed to the commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this chapter, either directly or indirectly, under authority of said license from and after the date of receipt of said communication advising him that his license has been delivered or mailed to the commission. Prompt notice in writing within 10 days shall be given to the commission by any real estate salesman of a change of employer, and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued by the commission to such salesman for the unexpired term of the original license; provided that such new employer shall be a duly licensed real estate broker. The salesman shall pay a transfer fee of \$2 for such new license. Another license shall not be issued to such real estate salesman until he shall return his former pocket card to the commission or shall satisfactorily account to it for the same. Not more than one license shall be issued to any real estate salesman for the same period of time.

In the event that any license issued under the provisions of this chapter shall

be lost or destroyed, a substitute therefor may be obtained upon payment of a fee of \$2. (R. S. c. 75, § 7. 1957, c. 31; c. 35, §§ 1-3.)

Effect of amendments.—The first 1957 amendment added the words “and the licenses of all his salesmen” in the last sentence of the first paragraph. The second 1957 amendment increased the fee and added the last sentence in the seventh paragraph, increased the fee and made minor changes in language in the ninth paragraph, and added the last paragraph set out above as the tenth and last paragraph.

As the other paragraphs of the original were not changed by the amendments, they are not set out.

Chapter 85.

Art Commission.

Sec. 2. Powers and duties.

No painting, portrait, statue or tablet shall be accepted or placed in the state house without the permission of the commission. The commission shall advise the state director of public improvements where to hang paintings, portraits and pictures and where to place statues and other works of art. (R. S. c. 76, § 2. 1957, c. 340, § 7.)

Effect of amendment. — The 1957 amendment substituted “state director of public improvements” for “superintendent of public buildings” in the last paragraph of this section. Section 12 of such amendatory act provided that it should be retroactive to July 1, 1957.

As the first two paragraphs were not changed by the amendment, they are not set out.

Chapter 86.

Harness Racing Commission.

Sec. 1. State harness racing commission. — The state harness racing commission, as heretofore established and hereinafter in this chapter called the “commission,” shall consist of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council. No more than 2 members shall be of the same political party. One member shall, in some capacity, be connected with agricultural societies which operate pari mutuel racing. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. So far as practicable they shall be persons interested in the establishment and development of a Maine breed of standard bred horses and no member of the commission shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed under the provisions of this chapter. (R. S. c. 77, § 1. 1951, c. 266, § 95. 1953, c. 402. 1955, c. 114.)

Effect of amendment.—The 1955 amendment inserted the second sentence.

Sec. 7. Report.—The commission shall make an annual report to the governor on or before the 1st day of January in each year, including therein an account of its actions, receipts derived under the provisions of this chapter, the practical effects of the application of the provisions of this chapter and any recommendation for legislation which the commission deems advisable. (R. S. c. 77, § 8. 1955, c. 44.)

Effect of amendment.—The 1955 amendment substituted “January” for “December” in line two.