

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

September 20, 1948

To Fred W. Rowell, Director of Veterans' Affairs

Re: GI Training of Real Estate Salesmen

I received your memo of September 14th, calling my attention to paragraph II of Section 3 of Chapter 75, R. S., and also to Section 3 of the same law. You ask if a veteran taking a course of training which has been approved by the Veterans Administration under Public Law 346, being trained by a licensed broker, (1) would be considered a salesman, as defined in Paragraph III of Section 2, or (2) could legally perform such duties as his training would require without first obtaining a license, provided that in addition to his apprentice wage being paid to him by the broker he also received as added remuneration a certain commission on sales originated through his efforts.

Section 3 prohibits any partnership, association or corporation from having a license unless every employee who acts as a salesman for such partnership, association or corporation holds a license as a real estate salesman. Therefore, in my opinion, a veteran taking a course of training and selling real estate and receiving a commission would be considered as a salesman as defined by the statute, and (2) could not legally perform such duties as his training would require in selling real estate without first obtaining a license as provided by statute.

However, any veteran taking a course in training as a salesman and not receiving a commission would be allowed to act as a salesman under the direction of the licensed partnership, association or corporation.

Any veteran taking a course of training, however, can apply for a salesman's license and if he can fulfill the requirements of the statute, he can secure a license and then he would be in a position to receive an added remuneration in the nature of a commission on sales originated through his efforts.

The Real Estate Commission has no power to make rules and regulations contrary to this statute.

RALPH W. FARRIS
Attorney General

September 21, 1948

To Lucius D. Barrows, Chief Engineer, State Highway Commission

Re: Snow Removal

I have your letter of September 16th in connection with snow removal operations by the State Highway Commission, and I note that a substantial amount of work is carried on by the towns, either by contract approved by the State Highway Commission, or by the hour, or on a force account basis, in which case this method is approved by the Commission. You state that the work is under the general direction of the Commission, to the extent that it must be carried on in a satisfactory manner if state aid for snow removal is paid to the town. You further state that this work is carried on on state aid, third class and town roads, the State participating in the cost and reimbursing the towns for the amount of state aid due under the snow removal law. On this statement of fact you ask, "Are men engaged on this snow removal work entitled to payments by the State under the Workmen's Compensation Act in case of accidents?"