

MAINE STATE LEGISLATURE

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April 19, 1951

Real Estate Commission
Re: Listings

In your memorandum of April 17, 1951, you ask if your interpretation of the law, as explained in paragraph (a) is correct. Paragraph (a) recites:

"The soliciting of listings has been considered by the Commission to be covered in the Real Estate License Law by the phrase from Section 2, I and III, "negotiates the purchase or sale", and has required that a person be legally licensed to perform such an act.

We are not in agreement with this interpretation of the law. While the listing referred to may serve as an evidence of offering for sale, such offering for sale, or sale, must be proved; and the listing in itself, which may be, and sometimes is, for the purpose of directing possible customers to persons who have real estate for sale, is not either making a sale or offering for sale by the person making the listing and cannot be deemed to be a violation of the restrictive statute.

You further inquire whether the situation set forth in paragraph (b) is a violation of the law.

Paragraph (b) recites: "'A' arranges with Broker 'B' to work with him when 'A' receives his Broker's License. During the period before 'A' is granted a license, he visits many of Broker 'B's' listings. 'A' states that he received no money and was only becoming familiar with the properties."

The answer to this question is, No. It would, as in the former question, be an enlargement upon the restrictive statute and is not included in or among the violations over which your Commission is given jurisdiction.

Neal A. Donahue
Assistant Attorney General

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