

# MAINE STATE LEGISLATURE

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No

October 19, 1951

To Doris M. St. Pierre, Secretary, Real Estate Commission  
Re: Revocation or Suspension of License

We have your memo of October 11, 1951, relative to the revocation of a real estate broker's license issued to one \_\_\_\_\_, as the result of a conviction by a jury on a sodomy charge. You ask if the Commission has any right to suspend or revoke his license at this time, or must they wait for a decision by the higher court on his appeal?

We have carefully read the provisions of Chapter 75 relative to the suspension or revocation of licenses, and we fail to find any provision which would justify your suspending or revoking the license under the circumstances recited above.

Ordinarily those crimes for which a license issued by the State may be suspended or revoked are those crimes which are committed in the course of business.

Section 8, Chapter 75, R. S. 1944, specifically enumerates those acts the committing of which is ground for suspension or revocation of license. Specific enumeration precludes suspension or revocation for other grounds.

You will note that those acts the performing of which justifies the suspension or revocation of license are acts which give the broker an unjust advantageous position over the purchaser, or crimes of a nature entirely distinguishable from that class of crimes of which sodomy is a typical example. Sharp business practice and dishonesty as opposed to moral turpitude.

Your statute having designated the particular instances in which a license may be suspended or revoked, you are precluded from further expanding these instances, and particularly so here, when the crime committed is of a class not considered by the statute involved.

James G. Frost  
Assistant Attorney General

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