

# MAINE STATE LEGISLATURE

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September 2, 1953

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To Maine Real Estate Commission  
Re: Prouty-Bowler Agreement

Our opinion has been requested relative to a certain agreement between Frank W. Prouty, realtor of Portland, and Ernest C. Bowler. Mr. Prouty is concerned that the agreement may be in violation of the Maine Real Estate Law. Mr. Baker, a Member of the Commission, has been asked to read the contract and initial it if he feels that it is in order. In this connection the agreement has been forwarded to us for our inspection.

It is the opinion of this office that it would be unwise for Mr. Baker to sign this agreement for two reasons:

1. There is an obvious inconsistency between the payment per page for advertising solicited and the statement that if Mr. Bowler receives his license he will be allowed to participate in the profits "as per our conversation". We have no knowledge of what that conversation was, and it would seem that there must be some agreement other than appears in writing relative to the payment of profits or commissions.

2. It is the personal opinion of this writer that it would in any event be unwise for a member of the Commission to initial any contract between agents and brokers. If any broker feels that an agreement that he is considering may be illegal, his recourse is to his private attorney.

Roger A. Putnam  
Assistant Attorney General

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