

MAINE STATE LEGISLATURE

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August 26, 1966

To Real Estate Commission
Re: Return of Fees for Examination

We have your inquiry regarding the following situation:

"Frequently, an applicant asks to withdraw his application without having taken the first examination. Provision is made in our License Law to return the license fee, if license is not issued. Does this also include the return of the examination fee paid?"

We have checked your statute and find that in subsection VI of Section 5 of Chapter 84 provision is made that the license fee shall be returned to an applicant in the event that the Commission does not issue a license. There is no specific provision regarding the return of the examination fee. We feel, however, that it would be consistent with the legislative intent to return the \$10 fee where the examination does not take place.

You will note that the last paragraph in Section 5, supra, provides in part as follows:

"The commission shall collect a fee of \$10 for such examination."

We feel that this presupposes that the examination is taken.

It is our opinion, therefore, that the fee should be returned where no examination is taken.

Roger A. Putnam
Assistant Attorney General

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