

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or rents or offers for rent, or lists or offers to list for sale, lease or rent, any real estate or the improvements thereon for others, as a whole or partial vocation."

It should be further noted that this section also contains the following provision:

"A single transaction for a compensation or valuable consideration, of buying or selling real estate of or for another, or offering for another to buy, or sell, or exchange real estate, or leasing, or renting, or offering to rent real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, association or corporation performing, offering or attempting to perform any of the acts enumerated herein, a real estate broker or real estate salesman within the meaning of this chapter."

If an auctioneer sells real estate, offers to sell real estate, or offers to negotiate the sale of real estate, it is our opinion that he comes within the definition of real estate broker and should, of course, be licensed.

Specific reference should be made to the single transaction definition quoted above. If our law did not contain this provision, I think that the general rule that persons who engage in a single sale or casual transaction relating to real estate brokerage are not real estate brokers within the meaning of Real Estate Licensing Laws would prevail. See Semenov, "Survey of Real Estate Brokers' Licensing Laws," 1941 Edition. The statute making a single sale an actual transaction would therefore place these auctioneers under the law. If there were no such provision, I believe they would be outside.

It should be further noted that auctioneers are not specifically exempted by the provisions of Section 2 of Chapter 84, R. S. 1954.

ROGER A. PUTNAM  
Assistant Attorney General

July 5, 1956

To The Governor and Council

Re: Revised Statutes

We are returning herewith letter from Richard Strichartz, addressed to Harold I. Goss, Secretary of State, in which Professor Strichartz requests copyright clearance of the sections of our State law dealing with certain subjects, a list of which was attached to the letter.

Those sections of our statutes which Professor Strichartz desires are available to him without clearance. Statutes are not in themselves subject to copyright. Hence we do not consider that there would be any infringement in copying our statutes.

The legislature has not authorized anyone to grant permission to use copyrightable features such as the index and annotations.

JAMES GLYNN FROST  
Deputy Attorney General