

MAINE STATE LEGISLATURE

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November 4, 1957

To: Doris M. St. Pierre, Secretary of Maine Real Estate Commission
Re: Advertising "listings" as a free service

This is in response to your memorandum of October 24, 1957, with regard to the proposition that a moving company within this State not licensed as a real estate broker proposes to include in its ads as a "free listing service" statements with regard to houses that may be available to purchase or rent.

Subparagraph I of Section 2, of Chapter 84 of the Revised Statutes of 1954 provides as follows:

"A 'real estate broker' is any person, firm, partnership, association or corporation who for a compensation or valuable consideration sells 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.

A 'real estate broker' shall also include any person, firm, partnership, association or corporation who engages in the business, for a fee, in connection with any contract whereby he undertakes to promote the sale of real estate through the listing of such property in a publication, issued primarily for such purpose or for referral of information concerning properties to licensed real estate brokers, or both."

(See Ch. 32-1957)(Ch. 299-35)

If the service is operated as set forth in your memorandum, I feel that there is no violation of the above paragraph. The service is free. No money or service or other thing of value coming within the meaning of the term "valuable consideration" would pass from the buyer or seller to the moving company. The company may receive some incidental benefit from this type of advertising but not enough to bring it within the term "valuable consideration."

Memo to Doris M. St. Pierre

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I can see how a "valuable consideration" could pass and be within the law if for instance as a condition to listing, the moving company requires the use of its moving vans if a person buys or sells because of an ad placed within their own advertising medium. But that is not the case presented in your memorandum.

Roger A. Putnam
Assistant Attorney General

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