

# MAINE STATE LEGISLATURE

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*See opinion 8/10/61*

*yes  
no*

June 6, 1961

**Doris M. St. Pierre, Secretary**

**Real Estate Commission**

**Richard A. Foley, Assistant**

**Attorney General**

**Return of Fees at the end of the Fiscal Year**

**This is in answer to your request for an opinion dated May 16, 1961.**

**As I understand it, the factual situation outlined in your memorandum is as follows:**

**An applicant for a real estate broker's license failed to pass the examination for the license. As provided in Revised Statutes of 1954, Chapter 84, Section 5, a retake examination was scheduled and the applicant notified. The applicant failed to appear for the retake examination. As provided in Section 5 of the law, the license fee is to be returned to the applicant.**

**You inquire whether or not the applicant has a right to retake the examination under the circumstances described above without payment of the \$10.00 examination fee.**

**Revised Statutes of 1954, Chapter 84, Section 5, provides in part as follows:**

**"The commission is authorized to require every applicant for a first-time broker's license or a first-time salesman's license to appear in person at such time and place as the commission shall designate for that purpose, for a personal written or oral examination as to his qualifications to act as a broker or salesman and the Commission shall collect a fee of \$10 for such examination, which fee will entitle any applicant for a license to one retake examination, without additional charge, should the applicant fail to pass the first examination. The examination fee, provided herein, shall be in addition to any other fees authorized by this chapter."**

Doris M. St. Pierre

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June 6, 1951

It is my opinion that the applicant having failed to appear for the scheduled retake examination, the commission is justified in ruling that the applicant forfeits the examination fee. It is not incumbent upon the commission to continually reschedule retake examinations for applicants who fail to appear at the retake examination first scheduled.

Richard A. Foley  
Assistant Attorney General

raf/a