

MAINE STATE LEGISLATURE

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Maine Real Estate Commission

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Licensing of Maine citizen residing in Canada

SYLLABUS:

Law permitting resident real estate broker to continue to hold his Maine license as a nonresident broker, upon moving to another state and obtaining a license there, does not apply to resident broker who moves to Canadian province.

FACTS:

A licensed real estate broker residing and conducting business in Calais has obtained a real estate agent's license from New Brunswick, Canada. The New Brunswick license cannot be renewed six months from now unless the broker changes his residence from Maine to New Brunswick. He is considering such a move, and asks the Maine Real Estate Commission if he would thereupon become eligible for a nonresident brokers license provided for by 32 M.R.S.A. §§ 4002 and 4117.

QUESTION:

Do statutes authorizing issuance of license to nonresidents of Maine authorize the issuing of a license to a nonresident of the United States of America?

ANSWER:

No.

REASONS:

32 M.R.S.A. § 4117 reads in pertinent part:

"A real estate broker may change his principal business location from a resident place of business to a nonresident place of business only if the real estate broker holds a license from the state in which he will be located as a real estate broker." (emphasis supplied).

Aside from this indication that nonresident brokers must be licensed by another state within the United States, there is yet another statutory provision warranting the conclusion that nonresident brokers must be residents of some other state of the Union rather than residents of a foreign country. Section 4002 requires that every nonresident applicant must file an irrevocable consent that lawsuits may be commenced against him in Maine courts by service of process on the Secretary of the Commission, and that such service of process by reason of the consent will be as valid and binding upon the nonresident applicant as if he had been served personally within the State. A judgment against the nonresident issued by a Maine court would be valid elsewhere in the United States by virtue of the full faith and credit clause of the Federal Constitution. The judgment would be ineffective if the nonresident broker were a resident of another country.

The Legislature has deemed it important for people dealing with real estate brokers licensed by this State to have the protection of an inexpensive and certain remedy if the broker performs in a manner that would be actionable under Maine law in a civil suit. This protection for the public could be thwarted by a licensed broker who lives outside the United States. Clearly, there could have been no legislative intent to authorize licenses to foreign residents against whom a Maine court judgment would be ineffective when a workable mechanism has been carefully provided to insure effective Maine court judgments against nonresident brokers licensed by the State.

JK/mf

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