

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 1021

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S. P. 355

In Senate, February 5, 1963

Referred to Committee on Business Legislation. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Porteous of Cumberland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT to Revise the Laws Relating to Real Estate Brokers and Salesmen.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 84, § 1, amended.** The 2nd paragraph of section 1 of chapter 84 of the Revised Statutes, as amended by section 1 of chapter 138 of the public laws of 1961, is further amended to read as follows:

‘Each member of the commission shall receive as full compensation for each day actually spent on the work of said commission the sum of ~~\$15~~ \$25 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.’

**Sec. 2. R. S., c. 84, § 1, amended.** Section 1 of chapter 84 of the Revised Statutes, as amended, is further amended by adding at the end, 2 new paragraphs, to read as follows:

‘The commission shall investigate any violation of this chapter by licensees and non-licensees and report its findings from time to time to the office of the Attorney General or appropriate county attorney for prosecution.

All permanent records of the commission shall be open to public inspection under such rules and regulations as shall be prescribed by the commission. Examinations being temporary records and confidential, the names of the applicants who failed an examination or the contents of said examination shall not be disclosed.’

**Sec. 3. R. S., c. 84, § 2-A, sub-§ I, ¶¶ A and B, amended.** Paragraphs A and B of subsection I of section 2-A of chapter 84 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1961, are amended to read as follows:

**'A. Is 21 years of age or over if the applicant is applying to be a broker and 18 years or over if applying to be a salesman;**

**B. Has resided in the State for at least ~~one year~~ 2 years immediately preceding the date of his application, except in the case of a person who has held a nonresident license issued by the commission for at least the last 2 years preceding his application to transfer from a nonresident to a resident license;'**

**Sec. 4. R. S., c. 84, § 2-A, sub-§ I, ¶¶ E and F, additional.** Subsection I of section 2-A of chapter 84 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1961, is amended by adding paragraphs E and F, as follows:

**'E. Has a high school education or its equivalent approved by the commission. If the applicant is applying for a real estate broker's license, he must in addition have completed an educational course in the field of real estate approved by the commission or been employed as a licensed salesman substantially full time for at least a year. The conditions of this subparagraph shall not be applicable to persons who have held any license from the commission prior to December 31, 1963;**

**F. Is a citizen of the United States.'**

**Sec. 5. R. S., c. 84, § 2-A, sub-§ II, ¶ C, amended.** The first sentence of paragraph C of subsection II of section 2-A of chapter 84 of the Revised Statutes as enacted by section 2 of chapter 138 of the public laws of 1961, is amended to read as follows:

**'Such application shall be accompanied by the recommendation of at least 3 citizens, not related to the applicant, who ~~acknowledge before a notary public that they~~ have known the applicant for a period of ~~3 years~~ at least the 3 years immediately prior to the date of the application and who have owned real estate for a period of one year or more in the county in which said applicant resides or has his place of business.'**

**Sec. 6. R. S., c. 84, § 2-A, sub-§ II, ¶ G, repealed and replaced.** Paragraph G of subsection II of section 2-A of chapter 84 of the Revised Statutes, as enacted by section 2 of chapter 138 of the public laws of 1961, is repealed and the following enacted in place thereof:

**'G. Examination. The commission is authorized to require each 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 written examination as to his qualifications to act as a broker or salesman and the commission shall collect a fee of \$35 in the case of a broker and \$30 in the case of a salesman. Such fee shall cover the cost of processing the application, providing the examination and for the first year's license fee if the applicant is approved. Such fee shall entitle any applicant for a license to take the examination which is next given by the commission without additional charge should the applicant fail to pass the first examination. The commission shall retain the fee irrespective of whether or not the examination is taken or passed if the applicant has been notified by the commission**

that he has been approved to take the examination. After an applicant has failed his examination twice, he shall be required to refile as an original applicant, pay the above fee and wait at least 6 months before taking another examination.'

**Sec. 7. R. S., c. 84, § 7, amended.** The 7th paragraph of section 7 of chapter 84 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

'Every resident real estate broker shall maintain a fixed and definite place of business in this State, occupied either continually or at regular periods by himself or a licensee where he may be contacted without unreasonable delay. He shall erect and maintain a sign in a conspicuous place on said premises at or near the outside entrance to his office in letters at least 2 inches in height showing his name, trade name if any, and that he is a real estate broker. Any branch office shall be similarly staffed continually or at regular periods by a licensee and identified as set forth. If the real estate broker maintains more than one place of business within the State, a duplicate license shall be issued to such broker for each branch office maintained and a fee of \$2 shall be paid for each duplicate license. A fee of \$2 shall be paid for a license for change of business location or branch office. Absence from the State for a period of in excess of 90 days shall be prima facie evidence of cessation of a regular operation for the purpose of this paragraph unless evidence satisfactory to the commission is furnished that such absence was temporary only. The first 3 sentences of this paragraph shall not be applicable to a broker who operated his own place of business under his own name and held a license from the commission prior to December 31, 1963.'

**Sec. 8. R. S., c. 84, § 7, amended.** The 8th paragraph of section 7 of chapter 84 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

'Notice in writing shall be given to the commission by each licensee of any change of principal business location no later than 10 days after the change of such location, whereupon the commission shall issue a new license for the unexpired period for a fee of \$2. In the event such notice is not given before said date, the commission shall issue the new license for the unexpired period for a fee of \$25.'

**Sec. 9. R. S., c. 84, § 10, amended.** The first paragraph of section 10 of chapter 84 of the Revised Statutes is amended to read as follows:

'A nonresident of this State may become a real estate broker or a real estate salesman by conforming to all of the conditions of this section and this chapter, providing he has held a license in his own state as such a broker or salesman for at least the 3 years immediately preceding the date of his application in this State and maintains a fixed and definite place of business in his own state.'

**Sec. 10. R. S., c. 84, § 12-A, additional.** Chapter 84 of the Revised Statutes is amended by adding a new section 12-A, to read as follows:

'Sec. 12-A. Renewal contracts. Any contract made to buy and sell real

estate shall contain no provisions for the removal of the contract and shall contain an expiration date at which time the contract shall be terminated. If the parties to the contract desire to continue the contract, a new contract must be executed.'