

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 519

H. P. 390

House of Representatives, January 31, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Kilroy of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Relating to Definition of Real Estate Broker.

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

Sec. 1. R. S., T. 32, § 4001, sub-§ 2, repealed and replaced. Subsection 2 of section 4001 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

2. "Broker" shall mean any person who for a fee, commission or any other valuable consideration, or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, lease or option or rent for any real estate or of the improvements thereon, or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing. "Broker" also includes any person employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a salary, fee, commission or any other valuable consideration, to sell such real estate or any part thereof, in lots or parcels or other disposition thereof; it also includes any person who regularly engages in the business of buying, selling, optioning or exchanging real estate on his own account and holding himself out as a full or part-time dealer in real estate.

Sec. 2. R. S., T. 32, § 4001, sub-§ 4, additional. Section 4001 of Title 32 of the Revised Statutes is amended by adding a new subsection 4 to read as follows:

4. Person. "Person" shall mean and include individuals, corporations, partnerships or associations, foreign and domestic.

Sec. 3. R. S., T. 32, § 4001, amended. The last paragraph of section 4001 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

This chapter shall not apply to any person who as owner or lessor shall perform any of such acts with respect to property owned or leased by said owner or lessor excepting property held by option, and unless performed as a principal vocation not through brokers licensed under this chapter, nor shall this chapter apply to persons acting as attorney in fact under a duly executed power of attorney from the owner in proper form for record, authorizing the final consummation by performance of any contract for the sale, lease or exchange of real estate, nor shall this chapter be continued to include in any way services rendered by an attorney-at-law in the performance of his duties as such attorney-at-law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor or any person selling real estate under order of any court, nor to include a trustee, acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.

#### STATEMENT OF FACT

The statutory law presently regulating the operations of real estate brokers and salesmen has a few major loopholes which allow unscrupulous dealings by some nonlicensed individuals and groups. The intent of this proposed legislation is to include within the ambit of those who must be licensed (1) salesmen of land developers, and (2) so called "option dealers" who presently perform the functions of licensed brokers but are not subject to sanctions of the licensing law.