

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2382

S. P. 841

In Senate, January 18, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Marcotte of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT Relating to the Real Estate Commission.

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

**Sec. 1. R. S., T. 32, § 4005, amended.** The first sentence of section 4005 of Title 32 of the Revised Statutes, as amended by section 1 of chapter 359 of the public laws of 1967, is further amended to read as follows:

Any real estate broker or real estate salesman licensed as such real estate broker or real estate salesman in accordance with this chapter, who fails to renew his, her or its license ~~annually~~ **biennially** and continues to act as a real estate broker or real estate salesman, shall be punished by a fine of not less than \$25 nor more than \$100.

**Sec. 2. R. S., T. 32, § 4107, repealed and replaced.** Section 4107 of Title 32 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 4107. **Renewal fees**

Every application for a license renewed under this chapter shall be accompanied by the license renewal fee prescribed.

The biennial renewal fee for each real estate broker's license shall be \$30. The biennial renewal fee for each real estate salesman's license shall be \$20. When a partnership, association or corporation shall have paid a renewal fee of \$10 and shall have designated one of its members or officers as a real estate broker as provided in section 4114, the fees payable by any other member or officer actively engaged in the real estate business of such partnership, asso-

ciation or corporation shall be \$20 for the renewal fee, for which a salesman's license shall be issued; but any such member or officer shall be entitled to a broker's license upon the payment of the usual renewal fee therefor.

Sec. 3. R. S., T. 32, § 4107-A, amended. Section 4107-A of Title 32 of the Revised Statutes, as enacted by section 6 of chapter 359 of the public laws of 1967, is amended to read as follows:

**§ 4107-A. Original fees; corporations, partnerships, associations**

As a condition precedent to the conduct of business as a real estate broker, an association, partnership or corporation shall pay an original license fee of ~~\$20~~ \$40.

Sec. 4. R. S., T. 32, § 4110, amended. The 2nd sentence of section 4110 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

Such fee shall cover the cost of processing the application and providing the examination. If the applicant is approved, the license fee shall be the same as the renewal fee, except the fee shall be  $\frac{1}{2}$  if the unexpired license term is less than one year.

Sec. 5. R. S., T. 32, § 4112, amended. The 2nd sentence of section 4112 of Title 32 of the Revised Statutes is repealed.

Sec. 6. R. S., T. 32, § 4115, repealed and replaced. Section 4115 of Title 32 of the Revised Statutes, as amended by section 13 of chapter 468 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 4115. Expiration; renewals; revocation**

Every license shall expire on the 30th day of June of each biennial period for which it was issued except those licenses issued under section 4102-A. The commission shall issue a new pocketcard for each ensuing biennial period in the absence of any reason or condition which might warrant the refusal of granting of a license, upon receipt of the written request of the applicant and the biennial fee therefor. Licenses which have not been renewed must be returned to the Real Estate Commission by registered mail not later than 30 days after expiration. The revocation or expiration of a broker's license shall automatically suspend every real estate salesman's or broker's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same biennial period in which the original license was granted.

Sec. 7. R. S., T. 32, § 4115-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 4115-A, to read as follows:

**§ 4115-A. Limitation**

The commission is authorized, for implementation and administration of biennial licensing, to issue licenses for less than a 2-year term. If such license issued is for less than one year, the fee for such license shall be  $\frac{1}{2}$  the usual license fee.

## STATEMENT OF FACT

Provisions of this bill are designed to effect biennial licensing of real estate brokers and salesmen as recommended by the Maine Management and Cost Survey Commission recommendation number 4, Real Estate Commission. This Recommendation was supported by the Governor in his Special Message to the 106th Special Session on January 10, 1974. A gain of \$2,100 is anticipated.