

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1381

S. P. 443

In Senate, March 22, 1979

Referred to the Committee on Business Legislation. Sent down for concurrence and 2,000 ordered printed.

Presented by Senator Clark of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities.

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

Sec. 1. 32 MRSA § 4102-A, as repealed and replaced by PL 1977, c. 78, § 185, is repealed and the following enacted in its place:

§ 4102-A. Temporary license in case of death

Upon proper application and fee, the commission shall be authorized to issue, without written examination, a temporary real estate broker license in the event of the death of a real estate broker. The license term shall not exceed one year from the date of death and may be issued to the deceased broker's legal representative or a person appointed by the legal representative and approved by the commission.

Sec. 2. 32 MRSA § 4107, as repealed and replaced by PL 1973, c. 729, § 2, is repealed and the following enacted in its place:

§ 4107. Fees

1. License examinations.

A. First examination \$40

B. Retake examination30

2. Licenses and pocketcards.

A. 2-year active..... \$40

B. 2-year inactive30

C. One-year temporary20

D. 2-year duplicate (branch office).....10

E. Replacement 5

F. Record modifications 5

Sec. 3. 32 MRSA § 4107-A, as amended by PL 1973, c. 729, § 3, is repealed and the following enacted in its place:

§ 4107-A. Associations, partnerships and corporations

Associations, partnerships and corporations shall apply for and receive a license from the commission prior to conducting the business of a real estate broker. Issuance of the license shall be contingent upon one of the principal officers holding a current real estate broker license.

Sec. 4. 32 MRSA § 4110, as repealed and replaced by PL 1977, c. 78, § 186, is repealed and the following enacted in its place:

§ 4110. Examinations

Each applicant for an original real estate broker or real estate salesman license or any person whose license has been expired for 2 years or more shall be required to pay an examination fee and appear in person at the time and place designated by the commission for the purpose of written examination. Issuance of the license shall be contingent upon the applicant's receiving a passing examination score.

Examination fees shall be retained irrespective of whether the examination is taken or passed, except that if a license or examination is denied by the commission the fee shall be refunded.

Each application for a license examination shall become void one year after receipt in the commission office if an examination has not been successfully completed within that period.

A real estate salesman who applies and qualifies for a real estate broker license shall receive a real estate broker license for any unexpired period remaining on his salesman license without charge.

Sec. 5. 32 MRSA § 4117, first ¶, last 2 sentences, as last amended by PL 1973, c. 50, § 1, are further amended to read:

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 \$5 shall be paid for each duplicate license. A fee of \$5 shall be paid for a replacement license or a license for change of business location or branch office.

Sec. 6. 32 MRSA § 4117, 2nd ¶, as amended by PL 1975, c. 767, § 78, is further amended to read:

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 \$5. ~~In the event such notice is not given before that date, the commission shall issue the new license for the unexpired period for a fee of \$10~~

Sec. 7. 32 MRSA § 4117, 3rd & 4th ¶¶, as amended by PL 1971, c. 468, § 15, are further amended to read:

A real estate broker **or salesman** may change his principal business location from a resident place of business to a nonresident place of business only if that real estate broker **or salesman** holds a license from the state in which he will be located as a real estate broker **or salesman**. ~~The fees charged for such change shall be the same as those fees indicated under the first and 2nd paragraphs of this section~~

A real estate broker **or salesman** may change his principal business location from a nonresident place of business to a resident place of business only after he is a resident of the State, qualified to vote in municipal and state elections. ~~The fees charged for such change shall be the same as those fees indicated under the first and 2nd paragraphs of this section~~

Sec. 8. 32 MRSA § 4118, 6th sentence, is repealed as follows:

~~The salesman shall pay a transfer fee of \$5 for such new license~~

Sec. 9. 32 MRSA § 4118-A, 2nd sentence, as enacted by PL 1969, c. 312, § 5, is repealed as follows:

~~The fee for reactivation of such license shall be \$2~~

Sec. 10. 32 MRSA § 4118-A, last sentence, as enacted by PL 1965, c. 513, § 70-B, is repealed as follows:

~~The applicant shall pay a fee of \$2 in addition to the renewal fee~~

Sec. 11. 32 MRSA § 4119 is amended to read:

§ 4119. Lost licenses

In the event that any license **or card** issued under this chapter shall be lost or destroyed, a substitute therefor may be obtained upon payment of ~~a~~ **the required** fee of \$2.

STATEMENT OF FACT

This bill is designed to generate additional revenue for the Real Estate Fund in order to meet rising operating costs of the Real Estate Commission and to provide a fee schedule under one section of Title 32, chapter 59. In modifying the fee schedule, an attempt was made to set like fees for like services without regard to the nature of the license, i.e. broker or salesman.

The proposed increase in license fees is expected to generate an additional \$55,000 annually for dedicated revenue account 4118.1001. The projection is based upon the licensing activity for 1977-78.