

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1490

H.P. 1068

House of Representatives, May 4, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative MILLS of Bethel.

Cosponsored by Representative JACKSON of Harrison, Senator TWITCHELL of Oxford and Senator ERWIN of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Real Estate Brokerage License Laws.

(AFTER DEADLINE)

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, the 113th Legislature passed legislation
6 prohibiting owners and lessors of real estate that do not conduct
7 real estate transactions as part of their business from selling
8 their real estate without benefit of a real estate broker; and

9
10 Whereas, this law has created unforeseen and unintended
11 difficulties for several businesses; and

12 Whereas, in the judgment of the Legislature, these facts
13 create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
15 necessary for the preservation of the public peace, health and
16 safety; now, therefore,

17
18 **Be it enacted by the People of the State of Maine as follows:**

19
20 32 MRSA §13002, sub-§1, as enacted by PL 1987, c. 395, Pt.
21 A, §212, is amended to read:

22
23 1. **Transactions by owner or lessor.** Transactions conducted
24 by any person who is the owner or lessor of the real estate, or
25 to their regular employees with regard to the employer's real
26 estate, provided that the real estate transaction services
27 rendered by the employee are performed in the regular course of
28 or as an incident to the usual duties performed for the employer;

29
30 **Emergency clause.** In view of the emergency cited in the
31 preamble, this Act shall take effect when approved.

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STATEMENT OF FACT

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37 Under current law, businesses that do not conduct real
38 estate transactions as an incident to their business, such as
39 banks and ski resorts, cannot sell their own property without a
40 real estate broker. This bill provides that real estate
41 transactions may be conducted without a broker if such
42 transactions are performed in the regular course of business.
43 This change in the law would permit businesses to sell their own
44 property without a broker.
45