

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 616, L.D. 1714, Bill, "An Act to Clarify Agency Relationships in Real Estate Transactions"

Amend the amendment in section 1 by inserting after that part designated "§13279." the following:

'§13280. Real Estate Commission rules

The commission shall adopt rules setting forth criteria necessary to the implementation of this subchapter. The rules must include, but are not limited to, the following:

1. Disclosure. Those aspects of the services of a real estate brokerage agency and its affiliated licensees that must be disclosed to a client; and

2. Handling of information. Procedures to be followed by a real estate brokerage agency and its affiliated licensees to prevent the mishandling of information and undisclosed dual agency in the representation of clients. In adopting these rules, the commission shall consider the formal and informal sharing of information within a real estate brokerage agency, the arrangement of real estate brokerage agency office space, the relationships of affiliated licensees within a real estate brokerage agency who are representing clients with adverse interests and means of avoiding client representation by an undisclosed dual agent. The commission shall review the professional responsibility rules and practices of the legal profession with regard to conflict of interest in considering the adoption of rules under this subsection.'

Further amend the amendment in section 1 by renumbering the sections to read consecutively.

R 018

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 616, L.D.
1714

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STATEMENT OF FACT

This amendment adds a provision giving specific direction to the Real Estate Commission about rules the commission shall adopt to implement the new subchapter regulating real estate agency and agent relationships. The new provision requires the commission to adopt all necessary rules, including disclosure rules about aspects of the services a real estate brokerage agency and its agents must disclose to a client and rules concerning information handling that specify procedures a real estate brokerage agency and its agents must follow to prevent the mishandling of information and undisclosed dual agency in client representation.

SPONSORED BY: Arnette M Hoglund
(Representative HOGLUND)

TOWN: Portland