

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1049

H.P. 772

House of Representatives, February 13, 1997

An Act to Amend the Real Estate Brokerage Laws.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMERON of Rumford.
Cosponsored by Senator JENKINS of Androscoggin and
Representatives: FARNSWORTH of Portland, SHANNON of Lewiston, SIROIS of Caribou,
VIGUE of Winslow.

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

2 **Sec. 1. 32 MRSA §13002, sub-§1, ¶B,** as enacted by PL 1989, c.
4 471, §1, is amended to read:

6 B. The real estate transaction services are subject to the
8 provisions of the Maine Condominium Act, Title 33, chapter
31-;

10 **Sec. 2. 32 MRSA §13002, sub-§2,** as amended by PL 1991, c. 53,
12 §1, is further amended to read:

14 **2. Transactions by attorneys-at-law.** Transactions conducted
16 by an attorney-at-law in the performance of duties as an
attorney-at-law. This exception does not apply to attorneys who
are regularly engaged in real estate brokerage; and

18 **Sec. 3. 32 MRSA §13002, sub-§3,** as enacted by PL 1987, c. 395,
20 Pt. A, §212, is amended to read:

22 **3. Exception.** Any person licensed as an auctioneer under
24 chapter 5, hired to call bids at an auction, if the person
employed does not prepare contracts or otherwise control the
actual sale or take custody of any part of the purchase price;
26 and

28 **Sec. 4. 32 MRSA §13002, sub-§4** is enacted to read:

30 **4. Timeshare interests and vacation licenses.** Any person
32 selling a timeshare interest or vacation license subject to the
provisions of Title 33, chapter 31.

34 **Sec. 5. 32 MRSA §13065, sub-§5,** as enacted by PL 1987, c. 395,
Pt. A, §212, is amended to read:

36 **5. Fees.** The commission may establish by rule fees in
38 amounts which that are reasonable and necessary for their
40 respective purposes. ~~With the exception of the fee specified in~~
~~section 13225, except that~~ the set fee for any one purpose may
not exceed \$100.

42 **Sec. 6. 32 MRSA §13199, sub-§2, ¶A,** as enacted by PL 1987, c.
44 395, Pt. A, §212, is amended to read:

46 A. The applicant shall must have practiced as a real estate
48 sales agent for 2 years within the 5 years immediately
preceding the date of application, satisfactorily completed
a course of study meeting commission established guideline,
50 and shall appear at such time and place as the director may
designate for the purpose of a written associate broker

2 examination. An applicant may sit for the examination upon
3 completion of the course of study. Regardless of the
4 results of the examination, the commission shall may not
5 issue a license under this section until an individual has
6 completed 2 years as a licensed real estate sales agent.
7 ~~For the purposes of this paragraph, "course of study"~~
8 ~~consists of 45 sessions of not more than 2 1/2 hours of~~
~~instruction for each session.~~

10 **Sec. 7. 32 MRSA §13201**, as enacted by PL 1987, c. 395, Pt. A,
11 §212, is repealed.

12 **Sec. 8. 32 MRSA c. 114, sub-c. V**, as amended, is repealed.
13

16 SUMMARY

18 This bill repeals the requirement that a home service
19 company or sales agent obtain a license for the sale or
20 solicitation of applications for home service contracts. It also
21 repeals requirements relating to required deposits, bonds and
22 reserves. This bill also repeals the license requirement for
23 timeshare agents. In addition, the provisions specifying the
24 course structure and hours required for an associate real estate
25 broker course of study are repealed, which makes the associate
26 broker course of study consistent with the other prelicense
courses approved by the Real Estate Commission.