

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 601

H.P. 434

House of Representatives, February 3, 2005

### An Act To License Real Estate Rental Agents

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PILON of Saco.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: CUMMINGS of Portland, DRISCOLL of Westbrook, HARLOW of Portland,  
PARADIS of Frenchville, SCHATZ of Blue Hill, SMITH of Monmouth, VALENTINO of  
Saco.

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

Sec. 1. 32 MRSA §13003, as enacted by PL 1987, c. 395, Pt. A, §212, is repealed and the following enacted in its place:

**§13003. License required**

**1. Real estate brokerage.** It is unlawful for a person or entity to engage in real estate brokerage without a current real estate brokerage agency license issued under this chapter or a license authorizing the person or entity to engage in brokerage activity on behalf of a brokerage agency.

**2. Real estate rental agent.** It is unlawful for a person or entity to act as a real estate rental agent without a current real estate rental agent license issued under this chapter.

Sec. 2. 32 MRSA §13202 is enacted to read:

**§13202. Real estate rental agent**

**1. Definition.** As used in this chapter, "real estate rental agent" or "rental agent" means a person or entity authorized to enter into a rental agreement for residential rental in a building consisting of one to 4 dwelling units on behalf of a lessor or lessee.

**2. Professional qualification.** Each applicant for a rental agent license must meet one of the following qualifications:

**A.** The applicant must satisfactorily complete a course of study meeting guidelines established by the commission; or

**B.** The applicant must appear at such time and place as the director may designate for the purpose of taking and passing a written rental agent examination.

**3. Acts authorized.** Each rental agent license granted entitles the holder to perform rental services under this chapter that are within the guidelines established by the commission for rental agents.

**4. License term.** Rental agent licenses are issued for 2 years and may be renewed.

**5. Rulemaking.** The commission shall adopt rules to implement the provisions of this section and to establish license qualifications, pursuant to section 13065, subsection 4. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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## SUMMARY

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6       This bill requires an individual or business engaged in the  
rental of residences in buildings consisting of one to 4 dwelling  
8 units to be licensed by the Real Estate Commission within the  
Department of Professional and Financial Regulation. It also  
requires the Real Estate Commission to establish routine  
10 technical rules that determine license qualifications.