

MAINE STATE LEGISLATURE

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L D 170

Date 5-8-23

(Filing No H-113)

**INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 111, L D 170, "An Act to Clarify the Authority of the Director of the Real Estate Commission to Dismiss Certain Claims That Do Not Allege Violations of Law or Rules"

Amend the bill by striking out the title and substituting the following
'An Act to Clarify the Authority of the Director of the Real Estate Commission to Investigate Complaints'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 32 MRSA §13069, sub-§6, as amended by PL 2007, c 402, Pt BB, §15, is repealed and the following enacted in its place

6. Investigations. The director may, in accordance with this subsection, investigate the actions of any licensee under this chapter, or any person or entity that assumes to act in a capacity requiring a license under this chapter, upon receipt of a written complaint or in accordance with the guidelines prescribed by the commission by rule

A If the director receives a written complaint under this subsection, the director shall review the complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule that is within the authority of the commission to enforce, the director shall notify the person who submitted the complaint of this determination. If the director determines that the complaint does describe a violation of law or rule that is within the authority of the commission to enforce, the director shall investigate the actions described in the complaint

B If the director undertakes an investigation under this subsection, either of a written complaint or in accordance with guidelines prescribed by the commission by rule, the director shall, upon completion of the investigation, take one of the following actions

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- 1 (1) With the commission's approval, dismiss the complaint.
- 2 (2) With the consent of the parties and subject to approval of the commission and
- 3 commission counsel, execute a consent agreement, or
- 4 (3) Issue a staff petition for hearing before the commission, which may include a
- 5 recommended disposition.'

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section

7 number to read consecutively

8

SUMMARY

9 This amendment changes the title of the bill and clarifies that the director of the Real

10 Estate Commission must, upon receipt of a written complaint, review the complaint to

11 determine whether the complaint describes a violation of law or rule that is within the

12 authority of the commission to enforce, and do one of the following

13 1 If the director determines that a complaint does not describe a violation of law or

14 rule that is within the authority of the commission to enforce, the director must notify the

15 person who submitted the complaint of that determination, or

16 2 If the director determines that the complaint does describe a violation of law or rule

17 that is within the authority of the commission to enforce, the director must investigate the

18 actions described in the complaint and take appropriate actions

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