

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 170

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H.P. 111

House of Representatives, January 13, 2023

**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**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ARATA of New Gloucester.  
Cosponsored by Representatives: DOUDERA of Camden, MORRIS of Turner, SMITH of Palermo.

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

2 **Sec. 1. 32 MRSA §13069, sub-§6**, as amended by PL 2007, c. 402, Pt. BB, §15, is  
3 further amended to read:

4 **6. Investigations.** The director may investigate the actions of any licensee under this  
5 chapter, or any person or entity who assumes to act in a capacity requiring a license under  
6 this chapter, upon receipt of a verified written complaint or in accordance with the  
7 guidelines prescribed by commission rule. If the director determines that a complaint does  
8 not allege a violation of a law or rule that relates to the commission's enforcement authority  
9 or does not merit further investigation or action, the director may dismiss the complaint  
10 with approval from the commission. Upon completion of ~~the~~ an investigation, the director  
11 shall take one of the following actions:

- 12 A. With the commission's approval, dismiss the complaint;
- 13 B. With the consent of the parties and subject to approval of the commission and  
14 commission counsel, execute a consent agreement; or
- 15 C. Issue a staff petition for hearing before the commission, which may include a  
16 recommended disposition.

17 **SUMMARY**

18 This bill provides that, if the director of the Real Estate Commission determines that a  
19 complaint does not allege a violation of a law or rule that relates to the commission's  
20 enforcement authority or does not merit further investigation or action, the director may  
21 dismiss the complaint with approval from the commission.