

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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Senate Document

No. 218

S. P. 447

In Senate, Mar. 9, 1927.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spear of Cumberland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN

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AN ACT to Provide for Licenses for Real Estate Brokers and Real Estate Salesmen, and to Fix Penalties for Violation of Provision of This Act.

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

Section 1. It shall be unlawful for any person, partnership, association or corporation, from and after January 3 first, nineteen hundred twenty-eight, to engage in the business of a real estate broker or real estate salesman within 5 this state without first obtaining a license therefor under 6 the provisions of this act.

Sect. 2. A real estate broker within the meaning of this 2 act is any person, partnership, association or corporation 3 who for a compensation or valuable consideration sells for

4 another or offers for sale, buys for another or offers to buy,  
5 or negotiates or is instrumental in negotiating the purchase,  
6 sale or exchange of any real estate not his own, or any  
7 interest therein, or who for another for a compensation or  
8 valuable consideration leases or offers to lease, rents or  
9 offers to rent any real estate or interest therein, or any  
10 improvements thereon. One such act shall be sufficient to  
11 render a person, partnership, association or corporation a  
12 real estate broker within the meaning of this act.

A real estate salesman within the meaning of this act is  
2 any person who for a compensation or valuable considera-  
3 tion is employed or induced, either directly or indirectly,  
4 by a licensed real estate broker, or any member of the  
5 partnership, association or corporation in which a licensed  
6 real estate broker is a member, to do or attempt to do any  
7 of the above named acts or things. One such act shall be  
8 sufficient to render the person doing or attempting to do the  
9 same a real estate salesman.

Sect. 3. The provisions of this act shall not apply to any  
2 person, partnership, association or corporation, who as  
3 owner or lessor of any real estate shall perform any of the  
4 aforesaid acts in connection with the property so owned  
5 by such person, partnership, association or corporation; nor  
6 to any person holding a duly executed power of attorney  
7 from the owner of any real estate for the sale, leasing or  
8 exchange of the real estate specifically described in said  
9 power of attorney; nor to an attorney at law acting in the

10 performance of his duties as such an attorney at law; nor  
11 to a receiver, trustee in bankruptcy, testamentary trustee or  
12 executor; nor to any person selling real estate under order  
13 or license of any court; nor to a trustee selling under a  
14 deed of trust; nor to a public official acting in discharge of  
15 his official duty; nor to a clerk employed in the office of a  
16 licensed real estate broker, so long as said clerk does only  
17 clerical office work in said office and works only for a  
18 fixed salary.

Sect. 4. In any proceeding for the revocation of any  
2 license issued by the secretary of state, the secretary of  
3 state shall have authority to compel attendance of witnesses  
4 and the giving of testimony pertinent to the matter in issue.

Sect. 5. Every applicant for a license as broker shall with  
2 his application furnish a sworn statement setting forth his  
3 present address, both business and residence, and also the  
4 name of the partnership, association or corporation, if any,  
5 with which he is associated and for whose benefit said li-  
6 cense is to be used. Such application shall also be accom-  
7 panied by a recommendation for the issuing of such license,  
8 signed by at least two citizens, who are real estate owners  
9 and who are not related to the applicant. Said application  
10 shall also be accompanied by the license fee herein pre-  
11 scribed for the license applied for.

Every applicant for a license as a salesman shall with his  
2 application furnish a sworn statement as above set forth,  
3 but shall substitute for the recommendation by the real

4 estate owners as above provided, a recommendation by the  
5 licensed real estate broker by whom he is employed or is  
6 to be employed.

The secretary of state shall prepare and furnish forms  
2 of application to comply with the above requirements.

When an applicant shall have complied with all the above  
2 requirements, the secretary of state shall forthwith issue a  
3 license to such applicant.

When a broker's license has been issued to one member of  
2 a partnership or association or to an officer of a corporation,  
3 such member or officer shall do and perform all acts of a  
4 real estate broker required by said partnership, association  
5 or corporation and no other member of said partnership,  
6 association or corporation shall be so licensed to act. Other  
7 members of such partnership or association or officers of  
8 such corporation may be licensed as real estate salesmen.

Every real estate broker shall maintain a place of business  
2 in this state so long as he shall hold a license, and in case  
3 a broker maintains more than one office or place of business,  
4 said secretary of state shall, upon application of such li-  
5 censed broker, issue a duplicate license or licenses for each  
6 additional place so maintained, upon the payment by such  
7 licensed broker for each such duplicate license so issued,  
8 of the sum of one dollar.

It shall be the duty of every licensed real estate broker  
2 to at all times conspicuously display his license in his place  
3 of business. All licenses shall be duly authenticated by the

4 seal of the state. The secretary of state shall with each  
5 original real estate broker's or real estate Salesman's license  
6 issued, at the same time issue a pocket card to the licensee,  
7 showing his name and address, date of issue and expiration  
8 of his license, and certifying that he is such a licensed  
9 real estate broker or real estate salesman, as the case may  
10 be. Such licensee shall, upon request by any person inter-  
11 ested, exhibit for the inspection of such person, his pocket  
12 license card.

Notice in writing shall be given to the secretary of state  
2 by each licensed real estate broker of a change in the prin-  
3 cipal business address as shown in his license, and there-  
4 upon, the secretary of state shall issue a new license to him  
5 at the new address for the unexpired term, without charge.

When the employment as given in the application of any  
2 real estate salesman is terminated, such salesman shall forth-  
3 with cease to be a licensed real estate salesman and he shall  
4 upon the termination of such employment immediately de-  
5 liver to the real estate broker by whom he has been em-  
6 ployed, his license and license card. It shall be the duty of  
7 such real estate broker to immediately deliver or mail by  
8 registered mail to the secretary of state such real estate  
9 salesman's license and license card, together with informa-  
10 tion as to the date of the termination of such service. Such  
11 person is then eligible to apply for a license as a real estate  
12 broker or as a real estate salesman in the employ of another  
13 real estate broker.

Any resident of this or any other state shall be eligible to  
2 be licensed as a real estate broker or a real estate salesman  
3 upon conforming to the requirements of this act.

All licenses issued by the secretary of state shall expire  
2 on the last day of December, following the date of issue  
3 of said license.

The secretary of state shall at least semi-annually publish  
2 a list of the names and addresses of all licensees licensed  
3 by him under the provisions of this act, and of all persons  
4 whose license has been revoked within one year; and he  
5 may publish with such list such other information relative  
6 to the enforcement of the provisions of this act as he may  
7 deem of interest to the public. One of such lists shall be  
8 mailed to the county clerk in each county of the state and  
9 shall be held by said county clerk as a public record. Such  
10 lists shall also be mailed by the secretary of state to any  
11 person in this state upon request.

Sect. 6. The annual fee for each real estate broker's li-  
2 cense shall be ten dollars. The annual fee for each real  
3 estate salesman's license shall be two dollars. All fees col-  
4 lected by the secretary of state shall be paid forthwith by  
5 him into the state treasury.

Sect. 7. Whenever the secretary of state shall become  
2 satisfied that any real estate broker or any real estate sales-  
3 man licensed in this state has wilfully violated any of the  
4 laws of the state, or has wilfully misrepresented any of the  
5 essential facts in connection with any real estate transac-

6 tion, accomplished or attempted, or has dealt unjustly with  
7 or wilfully deceived any citizen of this or another state in  
8 regard to facts relating to any real estate transaction, ac-  
9 complished or attempted, or has failed or refused to pay  
10 over to the person entitled thereto, on demand, any money  
11 or other thing of value in his hands or under his control  
12 received by him or put under his control in connection with  
13 any real estate transaction, or has in any other way become  
14 unfit for such licensed position, he may, upon written  
15 charges, after notice and hearing, revoke the license of such  
16 licensee. The person whose license is so revoked shall be  
17 notified by the secretary of state by registered mail of such  
18 revocation of his license. And the person whose license  
19 is so revoked shall forthwith return to the secretary of state  
20 his license and license card and shall not be eligible to re-  
21 ceive a new license as real estate broker or real estate sales-  
22 man within one year from the date of said revocation.

If, from the evidence presented at any such meeting, it  
2 shall appear to the secretary of state that any criminal viola-  
3 tion of this act or any part thereof has been committed,  
4 said secretary of state shall forthwith prepare and trans-  
5 mit to the county attorney in the county where such viola-  
6 tion has occurred, an abstract showing the evidence so  
7 presented and the names and addresses of the witnesses  
8 giving such evidence.

Sect. 8. Any person, partnership, or association violating  
2 any of the provisions of this act, shall, upon conviction by



3 a court having jurisdiction, be punished by a fine of not  
4 less than fifty dollars nor more than one thousand dollars,  
5 or by imprisonment for a term of not exceeding two years  
6 or by both fine and imprisonment. Any corporation, violat-  
7 ing any of the provisions of this act shall, upon conviction  
8 by a court having jurisdiction, be punished by a fine of not  
9 less than fifty dollars, nor more than five thousand dollars.

This act shall not be construed to relieve any person from  
2 civil liability or criminal prosecution under the general laws  
3 of the state.