

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

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'The head of the department shall be the Commissioner of Health and Welfare who shall be appointed by the Governor with the advice and consent of the Council to serve for 3 years, or during the pleasure of the said Governor and Council. Any vacancy shall be filled by appointment as above for a like term. He may employ ~~with the approval of the governor and council~~ such bureau chiefs, deputies, assistants and employees subject to the Personnel Law as may be necessary to carry out the work of the department; and they shall be under the immediate supervision, direction and control of the commissioner. The compensation of the commissioner ~~and his bureau chiefs~~ shall be fixed by the Governor and Council. ~~The commissioner may also employ such deputies, assistants and employees as may be necessary, subject to the provisions of the personnel law.'~~

Effective September 16, 1961

Chapter 137

AN ACT Relating to Removal of Ice Fishing Shacks.

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

R. S., c. 37, § 54-B, additional. Chapter 37 of the Revised Statutes, as revised, is amended by adding a new section 54-B, to read as follows:

'Sec. 54-B. Ice fishing shacks to be removed. No owner of any shack or temporary structure used for ice fishing purposes shall leave or allow the same to remain on the ice of any inland waters three days after the waters on which such shack or temporary structure is located closes to ice fishing. When said structure is on the ice of any inland waters the owner's name shall be painted on the outside of said shack in 2-inch letters. Whoever violates this section shall be punished by a fine of not more than \$300 and costs or by imprisonment for not more than 90 days, or by both.'

Effective September 16, 1961

Chapter 138

AN ACT to Clarify the Laws of the Real Estate Commission.

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

Sec. 1. R. S., c. 84, § 1, amended. The 2nd and 3rd paragraphs of section 1 of chapter 84 of the Revised Statutes are amended to read as follows:

'Each member of the commission shall receive as full compensation for each day actually spent on the work of said commission the sum of ~~\$70~~ \$15 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

The commission may employ a secretary and such ~~clerks and assistants~~ clerical assistants as it deems necessary to discharge the duties imposed by ~~the provisions of this chapter~~, and shall outline their duties and fix their compensation, subject to ~~the provisions of~~ the Personnel Law. ~~The commission may employ such technical assistants and investigators as may be necessary.'~~

Sec. 2. R. S., c. 84, § 2-A, additional. Chapter 84 of the Revised Statutes, as amended, is further amended by adding a new section, to be numbered 2-A, to read as follows:

‘Sec. 2-A. Real estate brokers and salesmen.

I. Qualifications of applicants. An applicant for a real estate broker’s or salesman’s license shall submit to the commission written evidence, verified by oath, that the applicant:

- A. Is 21 years of age or over;
- B. Has resided in the State for at least one year;
- C. Has not had an application rejected in this or any other state within 6 months prior to date of application;
- D. Has not had a real estate license revoked in this or any other state within 2 years prior to date of application.

II. License.

A. Application. Every applicant for a real estate broker’s or salesman’s license shall apply therefor in writing upon blanks prepared or furnished by the commission.

B. Sworn statement. Every such applicant shall furnish a sworn statement, setting forth his present address, both of business and residence, a complete list of all former places where he may have resided and been engaged in business for a period of 60 days or more during the last 2 years, together with the name and address of one real estate owner in each of said places where he may have resided or been engaged in business. If the applicant is a partnership or an association, the name and address of each member thereof shall be stated. If the applicant is a corporation, the name and address of each officer and director thereof shall be stated. The applicant shall state whether he has been convicted of a criminal offense involving moral turpitude, and if so, what offense; if the applicant is a partnership or association, whether any member thereof has been so convicted; if the applicant is a corporation, whether any officer or director has been so convicted.

C. Recommendations. Such application shall be accompanied by the recommendation of at least 3 citizens, not related to the applicant, who have known the applicant for a period of 3 years and who have owned real estate for a period of one year or more in the county in which said applicant resides or has his place of business. The recommendation shall certify that the applicant bears a good reputation for honesty, truthfulness, fair dealing and competency and recommend that a license be granted to the applicant. If applicant cannot procure such recommendations for the reason that he has not resided within the county for a period of 3 years, he may furnish similar recommendations from 3 persons with like qualifications from any county where the applicant has resided within the 3 years prior to the filing of his application. The commission, with due regard to the paramount interests of the public, may require such other proof as shall be deemed desirable as to the honesty, truthfulness, integrity, reputation and competency of the applicant. The application for a salesman’s license shall in addition

be accompanied by a written statement by the broker into whose service he is about to enter, stating that in his opinion the applicant is honest, truthful and of good reputation and recommending that the license be granted to the applicant.

D. License fee. Every application for a license under this chapter shall be accompanied by the license fee prescribed. In the event that the commission does not issue the license, the fee shall be returned to the applicant.

E. Additional requirement for brokers. Every applicant for a broker's license shall state the name of the person, firm, partnership, association or corporation with which he will be associated in the business of real estate, and the location of the place or places for which said license is desired, and set forth the period of time, if any, in which said applicant has been engaged in the real estate business.

F. Additional requirement for salesmen. Every applicant for a salesman's license shall in addition set forth the period of time during which he has been engaged in the real estate business, stating the name and address of his last employer and the name and the place of business of the person, firm, partnership, association or corporation then employing him or into whose service he is about to enter.

G. Examination. The commission is authorized to require every applicant for a first-time broker's license or a first-time salesman's license to appear in person at such time and place as the commission shall designate for that purpose, for a written examination as to his qualifications to act as a broker or salesman, and the commission shall collect a fee of \$20 for such examination, which fee will entitle any applicant for a license to one retake examination, without additional charge, should the applicant fail to pass the first examination. The examination fee shall be in addition to any other fees authorized by this chapter.

H. Rules and regulations. The commission shall make and enforce rules and regulations connected with the application for any license as shall be deemed necessary to administer and enforce this chapter.

I. License required. It shall be unlawful for any person, partnership, association or corporation to act as a real estate broker or real estate salesman, or to advertise or assume to act as such real estate broker or real estate salesman, without a license issued by the commission.

J. Granted. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the commission. No partnership, association or corporation shall be granted a license unless every member or officer of such partnership, association or corporation who actively participates in the brokerage business of such partnership, association or corporation shall hold a license as a real estate broker or salesman and unless every employee who acts as a salesman for such partnership, association or corporation shall hold a license as real estate salesman.

K. Denial. A license may be denied to any applicant who has been convicted of any crime involving moral turpitude. Before refusing to issue any

license, the commission shall set the application down for a hearing and determination as provided in section 9.'

Sec. 3. R. S., c. 84, § 7, amended. The 3rd paragraph of section 7 of chapter 84 of the Revised Statutes is amended to read as follows:

'The original fee for each real estate broker's license shall be ~~\$10~~ \$15 and the annual renewal fee shall be ~~\$5~~ \$10. The original fee for each real estate salesman's license shall be ~~\$5~~ \$10 and the annual renewal fee shall be ~~\$2~~ \$5; ~~provided that when.~~ When a partnership, association or corporation shall have paid an original fee of ~~\$10~~ \$15 or a renewal fee of ~~\$5~~ \$10 and shall have designated one of its members or officers as a real estate broker, as hereinafter provided in this section, the fees payable by any other member or officer actively engaged in the real estate business of such partnership, association or corporation shall be ~~\$5~~ \$10 for the first registration fee and ~~\$2~~ \$5 for the renewal fee, for which a salesman's license shall be issued; but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor.'

Sec. 4. R. S., c. 84, § 7, amended. The 7th paragraph of section 7 of chapter 84 of the Revised Statutes, as amended by section 1 of chapter 35 of the public laws of 1957, is further amended to read as follows:

'Every resident real estate broker shall maintain a fixed and definite place of business in this State. If the real estate broker maintains more than one place of business within the State, a duplicate license shall be issued to such broker for each branch office maintained and a fee of \$2 shall be paid for each duplicate license. A fee of \$2 shall be paid for a license for change of business location or branch office.'

Sec. 5. R. S., c. 84, §§ 3-6, repealed. Section 3, section 4 as amended by chapter 423 of the public laws of 1955, section 5 and section 6, all of chapter 84 of the Revised Statutes, are repealed.

Sec. 6. R. S., c. 84, § 10, amended. Section 10 of chapter 84 of the Revised Statutes is amended by adding at the end a new paragraph, to read as follows:

'The resident qualifications and the examination requirements shall not apply on application of a nonresident broker or salesman for a license limited to transactions involving industrial plants, sites and parks, provided such applicant has been licensed in some other state as a broker or salesman for a period of 10 years and submits proof that he specializes in industrial real estate, and provided such other state allows similar privileges to residents of this State.'

Effective September 16, 1961

Chapter 139

AN ACT Relating to Assigned Risks.

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

R. S., c. 60, § 345, amended. Section 345 of chapter 60 of the Revised Statutes, as amended by chapter 115 of the public laws of 1959, is further amended to read as follows: