

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Chapter 312

AN ACT to Revise the Laws Relating to Real Estate Brokers and Salesmen.

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

Sec. 1. R. S., T. 32, § 4003, amended. The last sentence of section 4003 of Title 32 of the Revised Statutes is amended to read as follows:

A licensed broker may share his commission with a nonresident broker ~~even though the latter is not licensed in his own state or in this State~~, provided such nonresident broker is ~~doing business regularly and legally~~ licensed as a real estate broker within his own state.

Sec. 1-A. R. S., T. 32, § 4004, amended. Section 4004 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4004. Expiration of listing contracts; renewals

~~Any contract~~ All exclusive right to sell and exclusive agency contracts made by a real estate broker or salesman to list real estate for sale shall be in writing and shall contain a specific expiration date. If the parties to the contract desire to continue the contract, a new contract must be executed.

Sec. 2. R. S., T. 32, § 4004-A, amended. The last sentence of section 4004-A of Title 32 of the Revised Statutes, as enacted by section 2 of chapter 223 of the public laws of 1965, is amended to read as follows:

The broker shall notify the commission within 30 days after opening any such account of the banking institution in which said account is located and shall authorize the commission, in writing, to confirm the balance of the funds held in his trust account with the banking institution in which the trust account is maintained, within one day following an examination of the broker's records by the commission or its duly authorized agents.

Sec. 3. R. S., T. 32, § 4102-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 4102-A, to read as follows:

§ 4102-A. Temporary license in case of death

In the event of the death of a licensed broker, who is the sole proprietor of a real estate business, the commission shall, upon application by his legal representative, issue, without examination, a temporary license to such legal representative, or to an individual designated by him and approved by the commission and the payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact said business for a period not to exceed one year from the date of death subject to all other provisions of sections 4001 to 4119, except that such temporary license shall not be renewed.

Sec. 4. R. S., T. 32, § 4103, sub-§ 1, ¶ B, repealed and replaced. Paragraph B of subsection 1 of section 4103 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

B. Is a resident of the State, qualified to vote in municipal and state elections prior to his application;

Sec. 5. R. S., T. 32, § 4118-A, amended. The first 2 paragraphs of section 4118-A of Title 32 of the Revised Statutes, as enacted by section 6 of chapter 223 of the public laws of 1965 and as amended by section 70-A of chapter 513 of the public laws of 1965, are further amended to read as follows:

Any member of a partnership or association or officer or director of a corporation licensed under this chapter who does not desire to do, or perform, any of the acts or services enumerated in section 4001, ~~subsection 2~~ **subsections 1, 3 and 4**, and any registered broker or salesman who is a resident of Maine who desires to preserve his registration during a period while not engaged as a broker or salesman, may surrender his license to the commission which shall hold said license until such time as the licensee shall apply for reinstatement to active status. **The fee for reactivation of such license shall be \$2.** During this period of inactive status, such broker or salesman shall be required to pay the same renewal fees as an active broker or salesman. Upon surrender of his license all listings in possession of ~~said~~ a broker shall be cancelled.

This section shall apply only to brokers and salesmen who continue to be bona fide residents of the State of Maine during the period of nonactive status.

Effective October 1, 1969

Chapter 313

AN ACT Relating to Limited-User Highways.

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

R. S., T. 23, § 2068, amended. The first sentence of section 2068 of Title 23 of the Revised Statutes, as enacted by chapter 240 of the public laws of 1967, is amended to read as follows:

Where any public highway, road, street, town or county way, but not including roads or ways under the jurisdiction of the State Highway Commission, shall, after public notice, be found by the ~~municipal officers of cities and towns~~ **governing body of a municipality, acting through the city council or board of aldermen in the case of a city, or through the process of a duly organized town meeting**, with regard to such ways located within their respective boundaries, in organized territory, and the county commissioners in the case of such ways, located within their jurisdiction, in unorganized