

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

CHAPTER 59

REAL ESTATE BROKERS AND SALESMEN

Subch.	Sec.
I. General Provisions	4001
II. Commission	4051
III. Licensing	4101

SUBCHAPTER I

GENERAL PROVISIONS

- Sec.
- 4001. Definitions and exceptions.
 - 4002. Nonresident brokers and salesmen.
 - 4003. Sharing commission with unlicensed person.
 - 4004. Expiration of listing contracts; renewals.
 - 4005. Penalties.

§ 4001. Definitions and exceptions

As used in this chapter, the following words and phrases shall have the following meanings:

1. **Real estate.** "Real estate" shall include leaseholds and other interests in real estate less than leaseholds.

2. **Real estate broker.** A "real estate broker" is any person, firm, partnership, association or corporation who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or rents or offers for rent or lists or offers to list for sale, lease or rent, any real estate or the improvements thereon for others, as a whole or partial vocation.

1955, c. 299, § 2; 1957, c. 32; 1959, c. 363, § 40.

3. **Real estate salesman.** A "real estate salesman" shall mean and include any person employed or engaged by or on behalf of a licensed real estate broker to do or deal in any activity as included in subsection 2 for compensation or other valuable consideration.

1955, c. 299, § 3.

A single transaction for a compensation or valuable consideration, of buying or selling real estate of or for another, or offering for another to buy or sell or exchange real estate, or leasing or renting or offering to rent real estate, except as specifically excepted, shall constitute the person, firm, partnership, association or corporation performing, offering or attempting to perform any of the acts enumerated, a real estate broker or real estate salesman within the meaning of this chapter.

This chapter shall not apply to any person, partnership, association or corporation who as owner or lessor shall perform any of such acts with reference to property owned or leased by said owner or lessor or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to the management of such property and the investment therein, nor shall this chapter apply to persons acting as attorney in fact under a duly executed power of attorney from the owner in proper form for record, authorizing the final consummation by performance of any contract for the sale, leasing or exchange of real estate, nor shall this chapter be construed to include in any way the services rendered by an attorney at law in the performance of his duties as such attorney at law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor or any person selling real estate under order of any court, nor to include a trustee, acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.

R.S.1954, c. 84, § 2; 1955, c. 299, §§ 2, 3; 1957, c. 32; 1959, c. 363, § 40.

§ 4002. Nonresident brokers and salesmen

A nonresident of this State may become a real estate broker or a real estate salesman by conforming to all of the conditions of this section and this chapter, providing he has held a license in his own state as such a broker or salesman for at least the 3 years immediately preceding the date of his application in this State and maintains a fixed and definite place of business in his own state.

In its discretion the commission may accept, in lieu of the recommendations and statements required under subchapter III, to accompany an application for license, the license issued to a nonresident broker or salesman in another state, upon payment of the license fee and the filing by the applicant with the commis-

32 § 4002 PROFESSIONS AND OCCUPATIONS Title 32

sion of a certified copy of the applicant's license issued by such other state. A nonresident applicant, if a broker, shall maintain an active place of business in the state in which he is located. Every nonresident applicant shall file an irrevocable consent that actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this State on the secretary of the commission, said consent stipulating and agreeing that such service of such process or pleadings on said secretary shall be taken and held in all courts to be as valid and binding as if due service had been made upon said applicant personally within this State. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the secretary of the commission, it shall be by duplicate copies, one of which shall be filed in the office of the commission and the other immediately forwarded by registered mail to the main office of the applicant against which said process or pleadings are directed.

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.

R.S.1954, c. 84, § 10; 1961, c. 138, § 6; c. 417, § 171; 1963, c. 241, § 9.

§ 4003. Sharing commission with unlicensed person

It shall be unlawful for any licensed broker or salesman to offer, promise, allow, give or pay, directly or indirectly, any part or share of his commission or compensation arising or accruing from any real estate transaction to any person who is not a licensed broker or salesman, or a person acting in a capacity which exempts him under section 4001, in consideration of services performed or to be performed by such unlicensed person.

No real estate salesman shall be employed by, or accept compensation from, any person other than the broker under whom he is at the time licensed, and it shall be unlawful for any licensed real estate salesman to pay a commission to any person except through the broker under whom he is at the time licensed. 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 within his own state.

R.S.1954, c. 84, § 13.

§ 4004. Expiration of listing contracts; renewals

Any contract made by a real estate broker or salesman to list real estate for sale shall contain a specific expiration date. If the parties to the contract desire to continue the contract, a new contract must be executed.

1963, c. 241, § 10.

§ 4005. Penalties

Any real estate broker or real estate salesman licensed as such real estate broker or real estate salesman in accordance with this chapter, who fails to renew his, her or its license annually and continues to act as a real estate broker or real estate salesman, shall be punished by a fine of not less than \$10 nor more than \$25. Any person or corporation violating any other provision of this chapter shall upon conviction thereof, if a natural person, be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both; and if a corporation, be punished by a fine of not more than \$1,000. Any officer or agent of a corporation, or member or agent of a partnership or association, who shall personally participate in or be accessory to any violation of this chapter by such partnership, association or corporation, shall be subject to the penalties prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this chapter, and upon conviction, the court may at its discretion revoke the license of the person, partnership, association or corporation so convicted. All fines and penalties over and above the cost of court proceedings shall inure to the commission.

R.S.1954, c. 84, § 12.

SUBCHAPTER II

COMMISSION

Sec.

- 4051. Membership; term; vacancies; rules and regulations.
- 4052. Compensation.
- 4053. Employees.
- 4054. Seal; evidence; inspection of records.
- 4055. Disposal of fees; expenses.
- 4056. Investigation of complaints; suspension or revocation of license.
- 4057. Publication of list of licensees.
- 4058. Denial of license; violations.

§ 4051. Membership; term; vacancies; rules and regulations

The Maine Real Estate Commission, as heretofore established and in this chapter called the "commission," shall consist of 3 persons appointed by the Governor, each of whom shall be a resident of the State and who, immediately prior to the date of his appointment, shall have been a resident of the State for 5 years and whose vocation for a period of at least 10 years shall have been that of a real estate broker or a real estate salesman. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of 3 years and until his successor is appointed and qualified. There shall at no time be more than one commissioner from any one county. Members to fill vacancies shall be appointed for the unexpired term. The commission immediately upon the qualification of the member appointed in each year shall organize by selecting from its members a chairman, and may do all things necessary and convenient for carrying into effect this chapter, and may from time to time promulgate necessary rules and regulations.

R.S.1954, c. 84, § 1.

§ 4052. Compensation

Each member of the commission shall receive as full compensation for each day actually spent on the work of said commission the sum of \$20 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

R.S.1954, c. 84, § 1; 1961, c. 138, § 1; 1963, c. 241, § 1.

§ 4053. Employees

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

R.S.1954, c. 84, § 1; 1961, c. 138, § 1.

§ 4054. Seal; evidence; inspection of records

The commission shall adopt a seal with such design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission, duly certified and authenticated by the seal of said commission, shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the commission under authority of this chapter shall be open to public inspection under such rules and regulations as shall be prescribed by the commission.

R.S.1954, c. 84, § 1.

§ 4055. Disposal of fees; expenses

The fees collected under this chapter shall be paid forthwith by the commission to the Treasurer of State with a detailed statement thereof and shall constitute a fund to be known as the "Real Estate Fund." Said fund shall be kept as a separate account by said Treasurer of State and he shall pay therefrom, upon vouchers signed by the chairman of the commission and approved by the State Controller, the cost and expenses of administering this chapter. All of the costs and expenditures of the commission shall be paid only from said fund and in no event shall any payments for the expenses of the commission exceed the amount received by said treasurer from said commission. Any moneys remaining in the Real Estate Fund at the end of the fiscal year shall be carried forward to the credit of the said fund for the succeeding year. The commission may, within the moneys available in the "Real Estate Fund", defray the cost of an educational program for real estate brokers and salesmen. Such program shall be under the direction and supervision of the commission.

R.S.1954, c. 84, § 1; 1955, c. 299, § 1.

§ 4056. Investigation of complaints; suspension or revocation of license

1. Suspension or revocation for certain acts. The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State. After hearing, the Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, shall have the power to suspend or to revoke any license issued under this chapter, at any time where the licensee has by false or fraudulent representation obtained a license or where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

- A.** Making any substantial misrepresentation; or
- B.** Making any false promises of a character likely to influence, persuade or induce; or
- C.** Pursuing a continued and flagrant course of misrepresentation, or making of false promises through agents or salesmen or advertising or otherwise; or
- D.** Receiving compensation from more than one party in a transaction without the knowledge of all parties for whom he acts; or
- E.** Accepting a commission or valuable consideration as a real estate salesman for the performance of any of the acts specified in this chapter from any person except his employer, who must be a licensed real estate broker; or
- F.** Representing or attempting to represent a real estate broker other than the employer, without the express knowledge and consent of the employer; or
- G.** Failing, within a reasonable time, to account for or to remit any moneys coming into his possession which belong to others; or
- H.** Disregarding or violating any provisions of this chapter; or
- I.** Misleading and untruthful advertising, with knowledge that such advertising is misleading and untruthful; or
- J.** Paying or receiving any rebate, profit, compensation or commission in violation of this chapter; or

K. Inducing any party to a contract, sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract with the same principal or a different principal, where such substitution is motivated by the personal gain of the licensee; or

L. Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other like offense or offenses, and who has been convicted thereof in a court of competent jurisdiction of this or any other state; or

M. Guaranteeing or having authorized or permitted any person to guarantee future profits which may result from the resale of property; or

N. Any act or conduct whether of the same or different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealings.

1961, c. 394, § 49; 1963, c. 412, § 23.

2. Acts of licensee for which applicant would be refused license. The Administrative Hearing Commissioner shall, in addition, have power, after hearing, to revoke or suspend any license issued under this chapter, at any time, where the licensee performs any act or acts, or offers or attempts or agrees to do any act or acts, for which the commission may lawfully refuse to issue a license to any applicant.

1961, c. 394, § 50; 1963, c. 412, § 23.

3. Knowledge of violation. Any unlawful act or violation of any of the provisions of this chapter by any real estate salesman, employee or partner or associate of a licensed real estate broker shall not be cause for the revocation of a license of such real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the commission that said employer, partner or associate had guilty knowledge thereof.

4. Investigations. The commission shall investigate any violation of this chapter by licensees and non-licensees and report its findings from time to time to the office of the Attorney General or appropriate county attorney for prosecution. (1963, c. 241, § 2.)

R.S.1954, c. 84, § 8; 1961, c. 394, §§ 49, 50; 1963, c. 241, § 2; c. 412, § 23.

32 § 4057 PROFESSIONS AND OCCUPATIONS Title 32

§ 4057. Publication of list of licensees

The commission shall annually publish a list of the names and addresses of all licensees licensed by it under this chapter and of all persons whose licenses have been suspended or revoked within one year, together with such other information relative to the enforcement of this chapter as it may deem of interest to the public. Such lists shall be mailed by the commission to any person in this State upon request.

R.S.1954, c. 84, § 11.

§ 4058. Denial of license; violations

If the commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the Administrative Hearing Commissioner shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked.

R.S.1954, c. 84, § 9; 1959, c. 317, § 35; 1961, c. 394, § 51; 1963, c. 412, § 23.

SUBCHAPTER III

LICENSING

Sec.

- 4101. Rules and regulations.
- 4102. License required.
- 4103. Qualifications.
- 4104. Application.
- 4105. Sworn statement.
- 4106. Recommendations.
- 4107. Fees.
- 4108. Brokers; disclosure of business associates.
- 4109. Salesmen; disclosure of employment.
- 4110. Examinations.
- 4111. Denial of license.
- 4112. Contents; display.
- 4113. Pocket cards.
- 4114. Acts authorized.
- 4115. Expiration; renewals; revocation.
- 4116. Civil actions.
- 4117. Place of business.
- 4118. Termination of employment.
- 4119. Lost licenses.

§ 4101. 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.

1961, c. 138, § 2.

§ 4102. 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.

1961, c. 138, § 2.

§ 4103. Qualifications

1. Qualifications. 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 if the applicant is applying to be a broker and 20 years or over if applying to be a salesman;

B. Has resided in the State for at least 2 years immediately preceding the date of his application, except in the case of a person who has held a nonresident license issued by the commission for at least the last 2 years preceding his application to transfer from a nonresident to a resident license;

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;

E. Has a high school education or its equivalent approved by the commission. If the applicant is applying for a real estate broker's license, he must in addition have completed an educational course in the field of real estate approved by the commission or been employed as a licensed salesman full time for at least a year. The conditions of this paragraph shall not be applicable to persons who have held any license from the commission prior to December 31, 1963;

F. Is a citizen of the United States.

1961, c. 138, § 2; 1963, c. 241, §§ 3, 4.

32 § 4103 PROFESSIONS AND OCCUPATIONS Title 32

2. Licenses 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. (1961, c. 138, § 2.)

1961, c. 138, § 2; 1963, c. 241, §§ 3, 4.

§ 4104. 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.

1961, c. 138, § 2.

§ 4105. 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.

1961, c. 138, § 2.

§ 4106. Recommendations

Such application shall be accompanied by the recommendation of at least 3 citizens, not related to the applicant, who ac-

knowledge before a notary public that they have known the applicant for a period of at least the 2 years immediately prior to the date of the application 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.

1961, c. 138, § 2; 1963, c. 241, § 5.

§ 4107. Fees

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.

The original fee for each real estate broker's license shall be \$15 and the annual renewal fee shall be \$10. The original fee for each real estate salesman's license shall be \$10 and the annual renewal fee shall be \$5. When a partnership, association or corporation shall have paid an original fee of \$15 or a renewal fee of \$10 and shall have designated one of its members or officers as a real estate broker, as provided in section 4114, the fees payable by any other member or officer actively engaged in the real estate business of such partnership, association or corporation shall be \$10 for the first registration fee and \$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.

R.S.1954, c. 84, § 7; 1961, c. 138, §§ 2, 3.

32 § 4108 PROFESSIONS AND OCCUPATIONS Title 32

§ 4108. Brokers; disclosure of business associates

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.

1961, c. 138, § 2.

§ 4109. Salesmen; disclosure of employment

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.

1961, c. 138, § 2.

§ 4110. Examinations

The commission is authorized to require each 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 \$35 in the case of a broker and \$30 in the case of a salesman. Such fee shall cover the cost of processing the application, providing the examination and for the first year's license fee if the applicant is approved. Such fee shall entitle any applicant for a license to take the examination which is next given by the commission without additional charge should the applicant fail to pass the first examination. The commission shall retain the fee irrespective of whether or not the examination is taken or passed if the applicant has been notified by the commission that he has been approved to take the examination. After an applicant has failed his examination twice, he shall be required to refile as an original applicant, pay the above fee and wait at least 6 months before taking another examination.

1961, c. 138, § 2; 1963, c. 241, § 6.

§ 4111. Denial of license

A license may be denied to any applicant who has been convicted of any crime involving moral turpitude. Before refus-

ing to issue any license, the commission shall set the application down for a hearing and determination.

1961, c. 138, § 2; c. 417, § 169.

§ 4112. Contents; display

The commission shall issue to each licensee a license in such form and size as shall be prescribed by the commission. This license shall show the name and address of the licensee, and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the commission and in addition shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to display conspicuously his license and the licenses of all his salesmen in his place of business.

R.S.1954, c. 84, § 7; 1957, c. 31.

§ 4113. Pocket cards

The commission shall prepare and deliver to each licensee a pocket card, which card among other things shall contain an imprint of the seal of the commission and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be; and if it is a real estate salesman's card, it shall contain the name and address of his employer. The matter to be printed on such pocket card, except as herein set forth, shall be prescribed by the commission.

R.S.1954, c. 84, § 7.

§ 4114. Acts authorized

Each real estate broker's license which may be granted to an individual shall entitle such individual to perform all of the acts contemplated by this chapter. When the real estate broker's license is granted to any partnership or association consisting of more than one person, or to any corporation, this shall entitle the partnership, association or corporation to designate one of its members or officers, who upon compliance with the terms of this chapter shall, without payment of any further fee upon issuance of said broker's license, be entitled to perform all of the acts of

32 § 4114 PROFESSIONS AND OCCUPATIONS Title 32

the real estate broker contemplated by this chapter. If, in any case, the person so designated by a real estate broker shall be refused a license by the commission, or in case such person ceases to be connected with such real estate broker, said broker shall have the right to designate another person who shall make application as in the first instance.

R.S.1954, c. 84, § 7.

§ 4115. Expiration; renewals; revocation

Every license shall expire on the 30th day of June of each year. The commission shall issue a new license for each ensuing year in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor. The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same year in which the original license was granted.

R.S.1954, c. 84, § 7.

§ 4116. Civil actions

No person, partnership or corporation engaged in the business or acting in the capacity of a real estate broker or a real estate salesman within this State shall bring or maintain any action in the courts of this State for the collection of compensation for any services performed as a real estate broker or real estate salesman without alleging and proving that such person, partnership or corporation was a duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

R.S.1954, c. 84, § 7.

§ 4117. Place of business

Every resident real estate broker shall maintain a fixed and definite place of business in this State, occupied either continually or at regular periods by himself or a licensee where he may be contacted without unreasonable delay. Any branch office shall be similarly staffed at regular periods by a licensee and identified as set forth. 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. The first 2 sentences of this paragraph shall not be applicable to a broker who operated his own place of business under his own name or held a license from the commission prior to December 31, 1963.

Notice in writing shall be given to the commission by each licensee of any change of principal business location no later than 10 days after the change of such location, whereupon the commission shall issue a new license for the unexpired period for a fee of \$2. In the event such notice is not given before said date, the commission shall issue the new license for the unexpired period for a fee of \$10.

R.S.1954, c. 84, § 7; 1957, c. 35, § 1; c. 429, § 76; 1961, c. 138, § 4; 1963, c. 241, §§ 7, 8.

§ 4118. Termination of employment

When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by registered mail to the commission such real estate salesman's license. The real estate broker shall, at the time of mailing such real estate salesman's license to the commission, address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman that his license has been delivered or mailed to the commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this chapter, either directly or indirectly, under authority of said license from and after the date of receipt of said communication advising him that his license has been delivered or mailed to the commission. Prompt notice in writing within 10 days shall be given to the commission by any real estate salesman of a change of employer, and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued by the commission to such salesman for the unexpired term of the original license, provided such new employer shall be a duly licensed real estate broker. The salesman shall pay a transfer fee of \$2 for such new license. Another license shall not be issued to such real estate salesman until

32 § 4118 **PROFESSIONS AND OCCUPATIONS** **Title 32**

he shall return his former pocket card to the commission or shall satisfactorily account to it for the same. Not more than one license shall be issued to any real estate salesman for the same period of time.

R.S.1954, c. 84, § 7; 1957, c. 35, § 2.

§ 4119. Lost licenses

In the event that any license issued under this chapter shall be lost or destroyed, a substitute therefor may be obtained upon payment of a fee of \$2.

1957, c. 35, § 3.