An Act to Clarify the Authority of the Director of the Real Estate Commission to Dismiss Certain Claims That Do Not Alleg Violations of Law or Rules

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

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

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

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

A. With the commission's approval, dismiss the complaint;

B. With the consent of the parties and subject to approval of the commission and commission counsel, execute a consent agreement; or

C. Issue a staff petition for hearing before the commission, which may include a recommended disposition.

SUMMARY

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