STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Notice of Agency Rulemaking Proposal

AGENCY: 02-039, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Real Estate Commission
CHAPTER NUMBER AND RULE TITLE: Chapter 410, Minimum Standards of Practice
TYPE OF RULE: Routine Technical
PROPOSAL FILING NUMBER: [Leave Blank - Assigned by the Department of the Secretary of State]
BRIEF SUMMARY: The Commission proposes changes to Chapter 410 to (1) clarify the confidentiality provision for buyer names and addresses and (2) respond to the Joint Standing Committee on Housing and Economic Development's request that the Commission review the rules and standards of practice and adopt further rule changes to combat deed fraud. The Commission is proposing to address deed fraud issues with a new section in the rule to require an affiliated licensee to take reasonable steps to verify the identity of a seller and the seller's legal authority to transfer a property prior to entering into a brokerage agreement or providing real estate brokerage services in a real estate transaction.
PUBLIC HEARING *(include day, date, time, and location)*: Wednesday, July 22, 2026, at 9:00 a.m., at the Office of Professional and Occupational Regulation, located at 76 Northern Avenue, Gardiner, Maine. Members of the public will also have the opportunity to attend and participate via remote means. Instructions on remote access and a link will be posted on the Commission's webpage in advance of the public hearing at https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission/home/board-meeting-information.
COMMENT DEADLINE *(include day, date, and time)*: Monday, August 3, 2026 at 5:00 p.m. EST. Copies of the rulemaking may be accessed at https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission or by sending an e-mail to Catherine.Pendergast@maine.gov. Comments may be sent to Catherine Pendergast, Director, Real Estate Commission, 35 State House Station, Augusta, ME 04333-0035 or to Catherine.Pendergast@maine.gov.
CONTACT PERSON FOR THIS FILING *(include Name; Mailing address; Telephone number; Fax number; TTY (Teletypewriter) number; and Email address)***:**
Catherine E. Pendergast, Director, Real Estate Commission
35 State House Station, Augusta, ME 04333-0035
207-624-8518
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Catherine.Pendergast@maine.gov
CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)***:** N/A
FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)***:** N/A
STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 13065, 13272, 13273, 13280
SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)***:** N/A
AGENCY WEBSITE: https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission

EMAIL ADDRESS FOR OVERALL AGENCY RULEMAKING LIAISON:
Penny.Vaillancourt@maine.gov

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The summary provided above is for publication in both the newspaper and website notices.

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ADDITIONAL INFORMATION FOR THE WEB NOTICE

DETAILED SUMMARY:

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Revised 12/18/2025

Rulemaking Fact Sheet

(see *5 M.R.S. § 8057-A(1))*

Agency: 02-039, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Real Estate Commission

Name, Address, Telephone Number, and Email Address of Agency Contact Person:
Catherine E. Pendergast, Director, Real Estate Commission
35 State House Station, Augusta, ME 04333-0035
207-624-8518, Maine Relay 711
Catherine.Pendergast@maine.gov

Chapter Number and Rule Title: Chapter 410, Minimum Standards of Practice

Type of Rule: Routine Technical

Statutory Authority: 32 M.R.S. §§ 13065, 13272, 13273, 13280

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Principal Reason(s) or Purpose for Proposing this Rule [*see* 5 M.R.S. § 8057-A(1)(A)]:
The Commission proposes changes to Chapter 410 to (1) clarify the confidentiality provision for buyer names and addresses and (2) respond to the Joint Standing Committee on Housing and Economic Development's request that the Commission review the rules and standards of practice and adopt further rule changes to combat deed fraud. The Commission is proposing to address deed fraud issues with a new section in the rule to require an affiliated licensee to take reasonable steps to verify the identity of a seller and the seller's legal authority to transfer a property prior to entering into a brokerage agreement or providing real estate brokerage services in a real estate transaction.

Is Material Incorporated by Reference into the Rule [*see* 5 M.R.S. § 8056(2-A)]**?** No

Analysis and Expected Operation of the Rule [*see* 5 M.R.S. § 8057-A(1)(B) & (D)]**:**
It is expected that the rule will require affiliated licensees to take reasonable steps to verify the identity of the seller and the seller's legal authority to transfer a property to address situations when an individual is attempting to commit deed fraud.

Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)[*see* 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]**:**
Expertise of the Commission members, the Uniform Law Court (ULC) Deed Fraud Study Commission

Estimated Fiscal Impact of the Rule [*see* 5 M.R.S. § 8057-A(1)(C)]**:**
None known.

FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:

Economic Impact, Whether or Not Quantifiable in Monetary Terms [*see* 5 M.R.S. § 8057-A(2)(A)]**:**
Click or tap here to enter text.

Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected [*see* 5 M.R.S. § 8057-A(2)(B)]**:**
Click or tap here to enter text.

Benefits of the Rule [*see* 5 M.R.S. § 8057-A(2)(C)]**:**
Click or tap here to enter text.

Note: If necessary, additional pages may be used.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

039 REAL ESTATE COMMISSION

Chapter 410: MINIMUM STANDARDS OF PRACTICE

Summary: This chapter establishes standards for practicing real estate brokerage.

SECTION 1. Advertising

1. **Definitions**

   A. **Advertise**. "Advertise," "advertising" and "advertisement" include all forms of representation, promotion and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet (including but not limited to the world wide web, electronic mail and social media), business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.

   B. **Prominent**. "Prominent" means standing out so as to be seen easily; conspicuous; particularly noticeable.

2. **Advertising by Real Estate Brokerage Agencies**

   Real estate brokerage advertisements must contain the agency's trade name as licensed by the Commission of the real estate brokerage agency that placed the advertisement. If the agency is not licensed with a trade name, the legal name shall be used. The name of the agency must be prominently displayed or presented. In an advertisement that appears on or is sent via the internet, the name of the agency that placed the advertisement must prominently appear or be readily accessible.

   The designated broker may authorize an advertisement that includes the name, telephone number, slogan, logotype or photo of an affiliated licensee or group or team of affiliated licensees as part of the brokerage services being offered by the real estate brokerage agency. The affiliated licensee or group or team of affiliated licensees may not independently engage in real estate brokerage.

3. **Written Permission of Owner Required to Advertise**

   A real estate brokerage agency or its affiliated licensees shall not advertise any real estate for sale without first obtaining the written permission of the owner or the owner's authorized representative.

4. **Advertising of Exclusive Listing Held by Another Agency**

A real estate brokerage agency or its affiliated licensees shall not publish or cause to be published an advertisement that makes reference to the availability of real estate which is exclusively listed for sale by another real estate brokerage agency unless the licensee obtains the prior written consent of the designated broker who has been authorized by the owner to provide consent.

5. **Deception and Misrepresentation Prohibited**

Advertising must be free from deception and shall not misrepresent the condition of the real estate, terms of the sale or purchase, real estate brokerage agency policies, or real estate brokerage services.

SECTION 2. Acting in Self-Interest

1. A licensee holding an active real estate license shall disclose, in the offer to purchase as a buyer, or as part of the property disclosure information as a seller, that the licensee is a real estate licensee:

   A. When buying or selling real estate not listed with a real estate brokerage agency;

   B. When buying or selling real estate listed with the licensee's real estate brokerage agency; or

   C. When buying or selling real estate and sharing in the brokerage fee resulting from the sale of such real estate.

SECTION 3. Market Value

1. **When Opinion Permitted**

A licensee may provide a free opinion of value to a buyer or seller when the licensee is soliciting the buyer or seller to provide brokerage services and before an agreement to provide any services has been reached or executed.

2. **When Advice Prohibited**

At any time after the solicitation to provide brokerage services, as described in Section 3(1) of this chapter, a transaction broker may not provide advice to either party regarding market value.

3. **Provision of Comparable Market Data**

A licensee who provides comparable market data to a buyer or seller for the buyer or seller to determine market value or list price is performing a ministerial act as defined in Title 32, Section 13271, Subsection 9 of the Maine Revised Statutes.

4. **Factors or Conditions That May Impact the Client's Interest**

A licensee who represents a buyer or seller client shall advise the client of any factors or conditions actually known by the licensee, or if acting in a reasonable manner, should have been known by the licensee, that may materially impact the client's interest as it pertains to the market value of real estate.

SECTION 4. Net Listing Prohibited

A net listing shall be prohibited. A net listing is a type of listing in which the real estate brokerage agency receives, as commission, all excess money over and above the minimum sale price set by the seller.

SECTION 5. Duty to Furnish Real Estate Brokerage-Related Documents

A licensee shall furnish copies of brokerage agreements, offers, counteroffers, and all types of contracts to the person signing the documents at the time of signature. Upon obtaining a written acceptance of an offer or counteroffer to purchase real estate, a licensee shall, within a reasonable time, deliver true, legible copies of the purchase and sale contract, signed by the seller and buyer, to both seller and buyer, or the licensee working with the other party.

SECTION 6. Disclosure of Real Estate Brokerage Agency Compensation Policy

1. **Other Agencies**

Written brokerage agreements must include a statement disclosing the real estate brokerage agency's policy on cooperating with and compensating other real estate brokerage agencies in the sale or purchase of real estate. If the real estate brokerage agency's policy is to not compensate all other real estate brokerage agencies in the same manner, or not compensate other agencies at all, this policy must be included in the statement.

2. **Affiliated Licensees**

When a real estate brokerage agency's policy on paying commissions to its affiliated licensees provides for an incentive to an affiliated licensee for a greater commission for an in-house sale versus transactions involving a cooperating real estate brokerage agency, this policy must be disclosed in a written brokerage agreement with a buyer or seller.

SECTION 7. Disclosed Dual Agency

A real estate brokerage agency which has a written company policy that permits disclosed dual agency shall obtain the informed written consent, as set forth in 32 M.R.S. § 13275, of the seller or buyer to the disclosed dual agency relationship at the time of entering into a written brokerage agreement that creates an agent-client relationship.

SECTION 8. Appointed Agent Procedures and Disclosure

1. Designated Broker Responsibilities – Appointed Agent

A. A designated broker appointing an affiliated licensee(s) to act as an agent of a client shall take ordinary and necessary care to protect confidential information disclosed by the client to the appointed agent.

B. An appointed agent may disclose to the agency's designated broker, or a designee specified by the designated broker, confidential information of a client for the purpose of seeking advice or assistance for the benefit of the client in regard to a possible transaction. Confidential information shall be treated as such by the designated broker or other specified representative of the broker and shall not be disclosed unless otherwise required by Title 32, Chapter 114 of the Maine Revised Statutes or Commission rules, or requested or permitted by the client who originally disclosed the confidential information.

C. A designated broker who is appointed to act as the agent of the client must select a designee to fulfill the responsibilities as listed in Section 8(1)(B) of this chapter.

2. Appointed Agent – Disclosure

The appointed agent disclosure shall be provided to the client prior to entering into a written brokerage agreement and shall include, at a minimum, the following provisions:

A. The name of the appointed agent and type of license held;

B. A statement that the appointed agent will be the client's agent and will owe the client fiduciary duties which, among other things, include the obligation not to reveal confidential information obtained from the client to other licensees, except to the designated broker or the designated broker's designee, as listed in Section 8(1)(B) of this chapter, for the purpose of seeking advice or assistance for the benefit of the client;

C. A statement that the real estate brokerage agency may be representing both the seller and the buyer in connection with the sale or purchase of real estate;

D. A statement that other agents may be appointed during the term of the written brokerage agreement should the appointed agent not be able to fulfill the terms of the written brokerage agreement or as by agreement between the designated broker and client. At the appointment of new or additional agent(s), the designated broker must comply with the provisions of this Section, including but not limited to, obtaining the client’s signature consenting or not consenting to the appointment. An appointment of another agent as a new or additional agent does not relieve the first appointed agent of any of the fiduciary duties owed to the client; and

E. A section for the client to consent or not consent, in writing, to the appointment.

SECTION 9. Real Estate Brokerage Relationship Disclosure Procedures

1. Real Estate Brokerage Relationships Form

The Commission incorporates into this chapter by reference the Real Estate Brokerage Relationships Form attached to this chapter. (Real Estate Brokerage Relationships Form revised 07/06).

2. Obligation to Furnish Real Estate Brokerage Relationships Form

Except as provided in Section 9(3) of this chapter, a licensee shall furnish a prospective buyer or seller with a copy of the Real Estate Brokerage Relationships Form when there is substantive communication regarding a real estate transaction by either a face-to-face meeting, a written communication, or an electronic communication with the prospective buyer or seller. The licensee shall discuss the content of the form and ascertain the intent of the buyer or seller regarding representation. The licensee shall complete the statement on the form acknowledging that the prospective buyer or seller has been provided with the information required by Maine law regarding brokerage relationships.

3. Exceptions

A licensee is not required to provide a copy of the Real Estate Brokerage Relationships Form to a prospective buyer or seller in the following instances:

A. The real estate is land without a residential dwelling unit;

B. The real estate is land with more than four (4) residential dwelling units;

C. The licensee is acting solely as a principal in a real estate transaction;

D. The written communication from the licensee is a solicitation of business; or

E. The licensee has knowledge, or may reasonably assume, that another licensee has given a copy of the form to a prospective buyer or seller in that transaction.

SECTION 10. Solicitation of Written Brokerage Agreements

A licensee shall not solicit a written brokerage agreement from a seller or buyer if the licensee knows, or acting in a reasonable manner should have known, that the buyer or seller has contracted with another real estate brokerage agency for the same real estate brokerage services on an exclusive basis. This Section does not preclude a real estate brokerage agency from entering into a written brokerage agreement with a seller or buyer, when the initial contact is initiated by the seller or buyer, provided that the written brokerage agreement does not become effective until the expiration or release of the previous written brokerage agreement.

SECTION 11. Inducements

The offering of a free gift, prize, money or other valuable consideration by a real estate brokerage agency or affiliated licensee as an inducement shall be free from deception, and shall not serve to distort the true value of the real estate or the service being promoted. Any limitations or conditions of the offering must be prominently displayed or presented. In an offering that appears on or is sent via the Internet, any limitations or conditions of the offering must prominently appear in the offering itself, or in a page view or window that is directly and immediately accessible via a link in the offering. The link must be identified by words such as "limitations," "conditions," or "terms of offer" and must prominently appear in the offering.

A real estate brokerage agency that claims to make contributions to charities as an inducement must produce to the Director any records related to such contributions upon request.

SECTION 12. Confidentiality of Offers and Purchase and Sale Contract Terms

1. A real estate brokerage agency or affiliated licensees shall not disclose any terms of an offer or counteroffer to anyone other than the parties to the offer or counteroffer without the prior written permission of the parties prior to withdrawal, expiration or written rejection of the offer or counteroffer.

   A real estate brokerage agency or affiliated licensees shall not disclose the terms of an executed contract to anyone other than the parties to the agreement without the prior written permission of the parties prior to the transaction closing or terminating.

   Buyer names and addresses ~~are not terms of an offer and~~ shall not be disclosed.

2. Notwithstanding the confidentiality provision contained in Section 12(1) of this chapter, any such document referenced in this section shall be made available to the Director of the Commission upon request.

SECTION 13. Licensee's Duty

1. **Keep the Designated Broker Informed**

   An affiliated licensee shall keep the designated broker fully informed of all activities conducted on behalf of the agency and shall notify the designated broker of any other activities that might impact on the responsibilities of the designated broker as set forth in Chapter 400, Section l of the Commission's rules, including that an affiliated licensee has terminated affiliation with the agency.

2. **Provide Documents to Designated Broker**

   An affiliated licensee must provide originals or true copies of all real estate brokerage documents and records prepared in a real estate transaction as listed in Chapter 400, Section 4 of the Commission's rules to the designated broker within five (5) calendar days after execution of the document or record.

3. **Internet Sites**

An affiliated licensee may not directly or indirectly, independently or through others develop and upload an internet site that promotes real estate brokerage services or the sale or purchase of real estate through the agency with whom the licensee is affiliated without the consent of the designated broker.

Any internet site developed or uploaded under this Section must comply with the advertising requirements set forth in Chapter 410, Section 1 of the Commission's rules.

4. **Seller Verification**

An affiliated licensee shall take reasonable steps to verify the identity of a seller and the seller's legal authority to transfer a property prior to entering into a brokerage agreement or providing real estate brokerage services in a real estate transaction.

The steps taken to verify must be appropriate to the risk of seller impersonation in the transaction. Increased diligence should be applied in higher risk situations, including, but not limited to transactions involving non-resident sellers or unimproved land.

SECTION 14. Licensee's Duty to Obtain and Provide Disclosure Information on Private Water Supply, Heating, Waste Disposal System, Known Hazardous Materials, Potential Flood Risks and Access to Property

All licensees have a duty to obtain and provide disclosure information on private water supply, heating, waste disposal system, known hazardous materials, potential flood risks, and access to property regardless of their relationship with buyer or seller. Forms used by an agency to provide property disclosure information shall be filled out completely.

1. **Listing Licensee**

A listing licensee shall be responsible for obtaining information necessary to make disclosures, as set forth in Sections 15 to 20 of this chapter, to buyers and shall make a reasonable effort to assure that the information is conveyed to a selling licensee.

2. **Selling Licensee**

A selling licensee shall be responsible for obtaining from the listing licensee the information necessary for making written property disclosures, as set forth in Sections 15 to 20 of this chapter, and for assuring that the disclosures are made to buyers.

3. **Unlisted Property**

In a real estate brokerage transaction where the property is not listed with a real estate brokerage agency, a licensee shall be responsible for obtaining from the seller or other sources to the extent possible the information necessary for making written property disclosures, as set forth in Sections 15 to 20 of this chapter, and for assuring that the disclosures are made to the buyer.

SECTION 15. Private Water Supply Disclosure

A licensee listing a single-family residential property, a multifamily property, a residential lot or a commercial property with a residential component served by a private water supply, and a licensee in such transactions when the property is not listed with a real estate brokerage agency, shall ask the seller for the following information:

1. Type of system;

2. Location;

3. Malfunctions;

4. Date of installation;

5. Date of most recent water test; and

6. Whether or not the seller has experienced a problem such as an unsatisfactory water test or a water test with notations.

Such information and any other information obtained through different sources and means pertinent to the private water supply shall be conveyed, in writing, to a buyer prior to or during preparation of an offer. The fact that information regarding the private water supply is not available shall also be conveyed, in writing, when such is the case.

SECTION 16. Heating Disclosure

A licensee listing a single-family residential property, a multifamily property or a commercial property with a residential component, and a licensee in such transactions when the property is not listed with a real estate brokerage agency, shall ask the seller for the following information regarding the heating system(s) and/or source(s):

1. Type(s);

2. Age of system/source(s);

3. Name of company who services system/source(s);

4. Date of most recent service call;

5. Annual consumption per system/source (*i.e.*, gallons, kilowatt hours, cords);

6. Malfunctions per system/source within the past 2 years; and

7. Date of most recent inspection of any chimneys and any vents for the heating system or source.

Such information and any other information obtained through different sources and means pertinent to the heating system(s) and/or source(s) shall be conveyed, in writing, to a buyer prior to or during the preparation of an offer. The fact that information pertinent to the heating system(s) and/or source(s) is not available shall be conveyed, in writing, when such is the case.

SECTION 17. Waste Disposal System Disclosure

1. **Private Waste Disposal System**

A licensee listing a single-family residential property, a multifamily property, a residential lot or a commercial property with a residential component served by a private waste disposal system, and a licensee in such transactions when the property is not listed with a real estate brokerage agency, shall ask the seller for the following information:

A. Type of system;

B. Size of tank;

C. Type of tank;

D. Location of tank;

E. Malfunctions of tank;

F. Date of installation of tank;

G. Location of leach field;

H. Malfunctions of leach field;

I. Date of installation of leach field;

J. Date of most recent servicing of system; and

K. Name of the contractor who services the system.

Such information and any other information obtained through different sources and means pertinent to the waste disposal system shall be conveyed, in writing, to a buyer prior to or during preparation of an offer. The fact that information regarding the waste disposal system is not available shall also be conveyed, in writing, when such is the case.

2. **Municipal or Quasi-Public Waste Disposal System**

A licensee listing a single-family residential property, a multifamily property, a residential lot or a commercial property with a residential component served by a municipal or quasi-public waste disposal system, and a licensee in such transactions when the property is not listed with a real estate brokerage agency, shall ask the seller if the seller has experienced any system or line malfunction. This information shall be conveyed, in writing, to a buyer prior to or during the preparation of an offer.

SECTION 18. Known Hazardous Materials Disclosure

1. **Duty to Keep Informed**

A licensee shall keep informed of any federal, state or local laws, rules, regulations or ordinances concerning known hazardous materials that may impact negatively upon the health and well-being of buyers and sellers.

2. **Duty to Disclose**

A listing licensee, and a licensee in transactions when the property is not listed with a real estate brokerage agency, shall disclose, in writing, whether the seller makes any representations regarding current or previously existing known hazardous materials on or in the real estate. In addition, the licensee shall give a written statement to the buyer encouraging the buyer to seek information from professionals regarding any specific hazardous material issue or concern. Such written representation and statement shall be conveyed to a buyer prior to or during the preparation of an offer.

3. **Request for Information from Seller**

A licensee listing a single-family residential property, a multifamily property, a commercial property with a residential component and a licensee in such transactions when the property is not listed with a real estate brokerage agency, shall ask the seller whether the seller has any knowledge of the presence of or prior removal of hazardous materials or elements on the property, including, but not limited to asbestos, radon, lead-based paint, underground storage tanks and methamphetamine. Such information and any other information obtained through different sources and means pertinent to hazardous materials shall be conveyed, in writing, to a buyer prior to or during preparation of an offer. The fact that information regarding hazardous materials is not available shall also be conveyed, in writing, when such is the case.

SECTION 19. Flood Risk Disclosure

1. **Duty to Disclose**

A licensee listing for sale real property, and a licensee in transactions when the real property is not listed with a real estate brokerage agency, shall convey to a buyer prior to or during the preparation of an offer, information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map.

For the purposes of this paragraph, "area of special flood hazard" means land in a floodplain having a 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

Such information and any other information obtained through different sources and means pertinent to flood risk shall be conveyed, in writing, to a buyer prior to or during preparation of an offer. The fact that information regarding flood risk is not available shall also be conveyed, in writing, when such is the case.

SECTION 20. Access to Property

A licensee listing for sale real property, and a licensee in transactions when the residential real property is not listed with a real estate brokerage agency, shall ask the seller for information describing the means of accessing the property by:

1. A public way, as defined in Title 29-A, section 101; and
2. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association.

Such information and any other information obtained through different sources and means pertinent to access to the property shall be conveyed, in writing, to a buyer prior to or during preparation of an offer. The fact that information regarding access to the property is not available shall also be conveyed, in writing, when such is the case.

SECTION 21. Referral Fees

1. **Certain Referral Fees Prohibited**

   A licensee may not receive compensation or other valuable consideration from a title company, lender or closing company or any affiliated employee for directing a buyer or seller in a real estate transaction to a company or an individual for financing, title or closing services.

2. **Disclosure of Certain Referral Fees Required**

   A licensee who anticipates receiving compensation or other valuable consideration from a company or person for a referral of services, other than the services listed in Section 21(1) of this chapter or real estate brokerage services, to a buyer or seller during a real estate brokerage transaction may not accept such compensation or valuable consideration unless the licensee discloses in writing to the person paying for such service, and to the client if not the same person, that the licensee anticipates receiving such compensation or other valuable compensation for such referral.

[APA Office Note: the Real Estate Brokerage Relationships Form is a separate file in Adobe .pdf format.]

STATUTORY AUTHORITY: 32 M.R.S. §§ 13065(3), 13271, 13272, 13273, 13274, 13275, 13277, 13278, 13279, 13280; 33 M.R.S. §§ 173, 193

EFFECTIVE DATE:
July 1, 2006 – filing 2006-193

AMENDED:
July 29, 2009 – filing 2009-378
October 27, 2013 – filing 2013-252

APAO ACCESSIBILITY CHECK: October 17, 2025 (no issues detected)

REPEALED AND REPLACED:
October 26, 2025 – filing 2025-211