**Dept. of Professional & Financial Regulation Office of Professional & Occupational Regulation**

MAINE REAL ESTATE COMMISSION

**35 State House Station Augusta ME 04333-0035**

REAL ESTATE BROKERAGE RELATIONSHIPS FORM

# **Right Now You Are A Customer**

Are you interested in buying or selling resi- dential real estate in Maine? Before you begin working with a real estate licensee it is important for you to understand that Maine Law provides for different levels of brokerage service to buyers and sellers. You should decide whether you want to be represented inCOMPANY POLICY ON CLIENT-LEVEL SERVICES —

WHAT YOU NEED TO KNOW

The real estate brokerage company’s policy on client-level services deter- mines which of the three types of agent-client relationships permitted in Maine may be offered to you. The agent-client relationships permitted in Maine are as follows:

a transaction (as a client) or not (as a customer). To assist you in deciding which option is in your best interest, please review the following information about real estate brokerage relationships:

Maine law requires all real estate brokerage companies and their affiliated licensees (“licensee”) to perform certain basic duties when dealing with a buyer or seller. You can expect a real estate licensee you deal with to pro- vide the following **customer-level services:**

 To disclose all material defects pertaining to the physical condi- tion of the real estate that are known by the licensee;

 To treat both the buyer and seller honestly and not knowingly give false information;

 To account for all money and property received from or on behalf of the buyer or seller; and

 To comply with all state and federal laws related to real estate brokerage activity.

* Until you enter into a written brokerage agreement with the licensee for client-level representation you are considered a “customer” and the licen- see is not your agent. **As a customer, you should not expect the licen- see to promote your best interest, or to keep any information you give to the licensee confidential, including your bargaining position.** The company and all of its affiliated licensees represent you as a client (Called “**single agency**” );

 The company appoints, with your written consent, one or more of the affiliated licensees to represent you as an agent(s) (called “**appointed agency**”);

 The company may offer limited agent level services as a

## disclosed dual agent.

**WHAT IS A DISCLOSED DUAL AGENT?**

In certain situations a licensee may act as an agent for and represent both the buyer and the seller in the same transaction. This is called **disclosed dual agency**. *Both the buyer and the seller must consent to this type of representation in writing.*

Working with a dual agent is not the same as having your own exclu- sive agent as a single or appointed agent. For instance, when representing both a buyer and a seller, the dual agent must not disclose to one party any confidential information obtained from the other party.

***Remember!***

*Unless you enter into a written agreement for agency representation, you are*

*a customer—not a client.*

# **You May Become A Client**

If you want a licensee to represent you, you will need to enter into a written listing agreement or a written buyer representation agreement. The- se agreements **create a client-agent relation- ship** between you and the licensee. As a client you can expect the licensee to provide the fol- lowing services, **in addition to** the basic services required of all licensees listed above:THIS IS NOT A CONTRACT

It is important for you to know that this form is not a contract. The licensee's completion of the statement below acknowledges that you have been given the information required by Maine law regarding brokerage relationships so that you may make an informed decision as to the relationship you wish to establish with the licensee/company.

 To perform the terms of the written agreement with skill and care;

*To Be Completed By Licensee*

This form was presented on (date) To

Name of Buyer(s) or Seller(s)

by Licensee's Name

on behalf of Company/Agency

 To promote your best interests;

* For seller clients this means the agent will put the seller’s interests first and negotiate the best price and terms for the seller;
* For buyer clients this means the agent will put the buy- er’s interests first and negotiate for the best prices and terms for the buyer; and

 To maintain the confidentiality of specific client information, in- cluding bargaining information.

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*To check on the license status of the real estate brokerage company or affiliated licensee go to* [*www.maine.gov/professionallicensing.*](http://www.maine.gov/professionallicensing)

*Inactive licensees may not practice real estate brokerage.*