**§13177-B. Unfair agreements to list residential real estate**

**1. Definitions.**  As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term agreement" means a contract or agreement between a provider and an owner under which:

(1) The owner agrees to list the owner's residential real estate for sale with the provider at a future date; and

(2) Any portion of the real estate brokerage service to be provided under the contract or agreement by the provider may be performed more than 2 years after the date the contract or agreement becomes effective. [PL 2023, c. 290, §1 (NEW).]

B. "Owner" means an owner of an interest in residential real estate. [PL 2023, c. 290, §1 (NEW).]

C. "Provider" means a person or entity providing or offering to provide real estate brokerage services. [PL 2023, c. 290, §1 (NEW).]

D. "Recording" means presenting a document to a register of deeds for official placement in the records of the registry of deeds. [PL 2023, c. 290, §1 (NEW).]

E. "Residential real estate" means real estate consisting of not less than one nor more than 4 residential dwelling units. [PL 2023, c. 290, §1 (NEW).]

[PL 2023, c. 290, §1 (NEW).]

**2. Prohibited agreements.**  A provider may not enter into or offer to enter into a long‑term agreement that purports to:

A. Bind any future owner not a party to the long-term agreement; [PL 2023, c. 290, §1 (NEW).]

B. Allow for the assignment by the provider of a real estate brokerage service to a 3rd party without notice to or consent of the owner; [PL 2023, c. 290, §1 (NEW).]

C. Create a lien, encumbrance or other real property security interest; or [PL 2023, c. 290, §1 (NEW).]

D. Obligate the owner to pay a fee or commission to the provider upon a sale or transfer of the residential real estate when the sale or transfer is not the result of a real estate brokerage service provided by the provider. [PL 2023, c. 290, §1 (NEW).]

[PL 2023, c. 290, §1 (NEW).]

**3. Unfair trade practice.**  A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.

[PL 2023, c. 290, §1 (NEW).]

**4. Unenforceable; recording prohibited.**  A long‑term agreement in violation of subsection 2 is unenforceable. A person may not record or cause to be recorded a long‑term agreement in violation of subsection 2. A long‑term agreement in violation of subsection 2 recorded in the State does not provide actual or constructive notice against an otherwise bona fide purchaser or creditor. If a long‑term agreement is recorded in violation of this subsection, a party with an interest in the residential real estate that is the subject of that long‑term agreement may apply to a District Court or Superior Court in the county where the recording occurred for an order declaring the long‑term agreement void and of no effect.

[PL 2023, c. 290, §1 (NEW).]

**5. Rights of recovery.**  If a long‑term agreement is recorded in violation of subsection 4, a party with an interest in the residential real estate that is the subject of the long‑term agreement may recover actual damages, costs and attorney's fees as may be proven against the party who recorded that long‑term agreement.

[PL 2023, c. 290, §1 (NEW).]

**6. Mechanic's lien.**  Nothing in this section affects a lien on residential real estate established under Title 10, section 3251.

[PL 2023, c. 290, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 290, §1 (NEW).

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