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SECOND REGULAR SESSION-2020

Legislative Document

No. 1994

S.P. 696

In Senate, January 8, 2020

An Act To Promote Efficiency in Regulation of Consumer Credit Statutes

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 203.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FOLEY of York.

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

2 **PART A**

3 **Sec. A-1. 9-A MRSA §2-302, sub-§1**, as amended by PL 2017, c. 106, §5, is
4 further amended to read:

5 **1.** The administrator shall receive and act on all applications for licenses to make or
6 service supervised loans under this Act. Applications must be filed in the manner
7 prescribed by the administrator and must contain the information required by the
8 administrator to make an evaluation of the financial responsibility, character and fitness
9 of the applicant.

10 A. ~~For a lender subject to this subsection whose activities include making or~~
11 ~~arranging residential mortgage loans, an~~ The administrator may require an application
12 for a license to make or service supervised loans ~~must to~~ be made electronically,
13 through the nationwide mortgage licensing system and registry as defined in section
14 13-102, subsection 8. Licenses made electronically through the nationwide mortgage
15 licensing system and registry expire December 31st of each year and must be
16 renewed through the nationwide mortgage licensing system and registry. ~~An~~
17 ~~application for an initial license must be accompanied by a fee of \$250, and an annual~~
18 ~~renewal application must be accompanied by a fee of \$100. An application for an~~
19 ~~initial license or renewal for a place of business other than that of the applicant's first~~
20 ~~licensed location must be accompanied by a fee of \$100.~~ The administrator may
21 establish, by rule, fees to apply for or renew licenses, except that the fee for an initial
22 application may not exceed \$1,000 and for a renewal may not exceed \$600 for any
23 licensed location. Renewal applications received after the expiration date are subject
24 to a late fee of \$100. An applicant who applies through the nationwide mortgage
25 licensing system and registry must also pay a nationwide mortgage licensing system
26 and registry processing fee in an amount to be determined by the administrators of
27 the nationwide mortgage licensing system and registry. ~~A~~ Fees set by the
28 administrator by rule for a nonprofit organization exempt from taxation under the
29 United States Internal Revenue Code, Section 501(c)(3) and engaged in the financing
30 of housing for low-income people under a program designed specifically for that
31 purpose ~~must pay an initial licensing fee, and a fee for each branch location, of \$20~~
32 ~~and a renewal licensing fee and renewal fee for each branch location of \$10, may not~~
33 ~~exceed \$150 for an initial application and \$100 per year for a renewal for any~~
34 ~~licensed location,~~ plus the applicable nationwide mortgage licensing system and
35 registry processing fee.

36 B. ~~For a lender subject to this subsection whose activities do not include making or~~
37 ~~arranging residential mortgage loans, an initial application for a license must be~~
38 ~~accompanied by a \$500 fee and a renewal application must include a \$200 fee. A~~
39 ~~license is granted for a 2-year period and expires on September 30th of the 2nd year.~~
40 ~~An application for an initial license or renewal for a place of business other than that~~
41 ~~of the applicant's first licensed location must be accompanied by a fee of \$200.~~

42 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
43 chapter 375, subchapter 2-A.

1 **Sec. A-2. 9-A MRSA §10-201**, as repealed and replaced by PL 2013, c. 466, §7,
2 is amended to read:

3 **§10-201. Licensing and ~~biennial relicensing~~ renewal licensing**

4 A person desiring to engage or continue in business in this State as a loan broker shall
5 apply to the administrator for a license under this Article as set forth in this section. The
6 administrator may refuse the application if it contains erroneous or incomplete
7 information. A license may not be issued unless the administrator, upon investigation,
8 finds that the financial responsibility, character and fitness of the applicant and, when
9 applicable, its partners, officers and directors and, when applicable, the character and
10 fitness of its mortgage loan originators, warrant belief that the business will be operated
11 honestly and fairly within the purposes of this Title.

12 ~~**1. Loan broker whose activities include arranging for or obtaining an extension**~~
13 ~~**of credit for a residential mortgage loan.**~~ A loan broker subject to this section whose
14 activities include ~~arranging for or obtaining an extension of credit for a residential~~
15 ~~mortgage loan must apply for a license electronically through the nationwide mortgage~~
16 ~~licensing system and registry. The initial application must include a fee of \$300 and a~~
17 ~~renewal application must include a fee of \$150. An application for a branch location~~
18 ~~license for a location other than that of the first licensed location from which the~~
19 ~~applicant conducts business or from which the applicant conducts business under a~~
20 ~~different name than that listed on the first license must be accompanied by a license fee of~~
21 ~~\$150 and an annual renewal fee of \$75. The applicant must also pay such nationwide~~
22 ~~mortgage licensing system and registry processing fees as are established by the~~
23 ~~nationwide mortgage licensing system and registry. A license expires on December 31st~~
24 ~~of each year and must be renewed through the nationwide mortgage licensing system and~~
25 ~~registry. Notwithstanding other remedies available under this Title, an application~~
26 ~~received after the due date is subject to an additional fee of \$100. A licensed loan broker~~
27 ~~subject to this subsection may conduct business only through a mortgage loan originator~~
28 ~~who possesses a current, valid license.~~

29 ~~**2. Loan broker whose activities do not include arranging for or obtaining an**~~
30 ~~**extension of credit for a residential mortgage loan.**~~ The initial application for a license
31 as a loan broker subject to this section whose activities do not include arranging for or
32 obtaining an extension of credit for a residential mortgage loan must be made directly to
33 the administrator. Initial licenses are granted for a period not to exceed 2 years and
34 expire January 31st. The initial application must include a fee of \$600, and a biennial
35 relicensing application must include a fee of \$300. An application for a branch location
36 license for a location other than that of the first licensed location from which the
37 applicant conducts business or from which the applicant conducts business under a
38 different name than that listed on the first license must be accompanied by a license fee of
39 \$300 and a biennial renewal fee of \$150. Notwithstanding other remedies available under
40 this Title, applications received after the due date are subject to an additional fee of \$100.

41 **3. Nationwide mortgage licensing system and registry.** The administrator may
42 require licensing of loan brokers subject to this section through the nationwide mortgage
43 licensing system and registry as defined in section 13-102, subsection 8. The

1 administrator is authorized to participate in the nationwide mortgage licensing system and
2 registry.

3 **4. Fees and requirements.** In all cases, whether licensing is through the nationwide
4 mortgage licensing system and registry or otherwise, the administrator may establish, by
5 rule, requirements for licensing, including but not limited to:

6 A. Background checks for:

7 (1) Criminal history through fingerprint or other databases;

8 (2) Civil or administrative records;

9 (3) Credit history; or

10 (4) Any other information determined necessary by the nationwide mortgage
11 licensing system and registry;

12 B. The payment of fees to apply for or renew licenses, except that the fee for an
13 initial application may not exceed \$1,000 and for a yearly renewal may not exceed
14 \$600. If licensing is through the nationwide mortgage licensing system and registry,
15 an applicant must also pay a nationwide mortgage licensing system and registry
16 processing fee in an amount to be determined by the administrators of the nationwide
17 mortgage licensing system and registry. Renewal applications received after the due
18 date are subject to an additional fee of \$100;

19 C. The setting or resetting as necessary of renewal or reporting dates; and

20 D. Other requirements for application for, amendment of or revocation of a license
21 or any other activity as the administrator considers necessary.

22 A licensed loan broker whose activities include arranging for or obtaining an
23 extension of credit for a residential mortgage loan may conduct business only through a
24 mortgage loan originator who possesses a current, valid license.

25 The administrator may direct each licensee to file composite annual and quarterly
26 reports relating to all brokered loans arranged or obtained by that licensee. Information
27 contained in annual and quarterly reports is confidential and may be published only in
28 composite form. The administrator may at any time require additional reports if the
29 administrator determines such action necessary to the proper supervision of licensees.

30 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
31 chapter 375, subchapter 2-A.

32 **Sec. A-3. 9-A MRSA §12-106, sub-§2,** as enacted by PL 2007, c. 394, §1 and
33 affected by §3, is amended to read:

34 **2.** Registration must be filed in the manner prescribed by the administrator and must
35 contain the information the administrator requires to make an evaluation of the character,
36 fitness and financial responsibility of the applicant. ~~The initial application must be~~
37 ~~accompanied by a \$500 fee. A renewal registration must include a \$200 fee. A~~
38 ~~registration must be renewed every 2 years and expires on September 30th. The~~
39 administrator may require registration through the nationwide mortgage licensing system

1 and registry as defined in section 13-102, subsection 8. The administrator is authorized to
2 participate in the nationwide mortgage licensing system and registry.

3 In all cases, whether registration is through the nationwide mortgage licensing system and
4 registry or otherwise, the administrator may establish, by rule, requirements for
5 registration, including but not limited to:

6 A. Background checks for:

7 (1) Criminal history through fingerprint or other databases;

8 (2) Civil or administrative records;

9 (3) Credit history; or

10 (4) Any other information determined necessary by the nationwide mortgage
11 licensing system and registry;

12 B. The payment of fees to apply for or renew registrations, except that the fee for an
13 initial application may not exceed \$800 and for a renewal may not exceed \$500. If
14 registration is through the nationwide mortgage licensing system and registry, an
15 applicant must also pay a nationwide mortgage licensing system and registry
16 processing fee in an amount to be determined by the administrators of the nationwide
17 mortgage licensing system and registry. Renewal applications received after the due
18 date are subject to an additional fee of \$100;

19 C. The setting or resetting as necessary of renewal or reporting dates; and

20 D. Other requirements for application for, amendment of or revocation of a
21 registration or any other such activities as the administrator considers necessary.

22 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
23 chapter 375, subchapter 2-A.

24 **Sec. A-4. 10 MRSA §1310-A, sub-§1, ¶G,** as enacted by PL 2013, c. 228, §1, is
25 repealed and the following enacted in its place:

26 G. Require registration of consumer reporting agencies located in this State or
27 servicing users within this State through the nationwide mortgage licensing system and
28 registry as defined in Title 9-A, section 13-102, subsection 8. The administrator is
29 authorized to participate in the nationwide mortgage licensing system and registry.

30 In all cases, whether licensing is through the nationwide mortgage licensing system
31 and registry or otherwise, the administrator may establish, by rule, requirements for
32 registration, including but not limited to:

33 (1) Background checks for:

34 (a) Criminal history through fingerprint or other databases;

35 (b) Civil or administrative records;

36 (c) Credit history; or

37 (d) Any other information determined necessary by the nationwide mortgage
38 licensing system and registry;

1 (2) The payment of fees to apply for or renew registrations, except that the fee
2 for an initial application may not exceed \$500 and for a renewal may not exceed
3 \$500. If licensing is through the nationwide mortgage licensing system and
4 registry, an applicant must also pay a nationwide mortgage licensing system and
5 registry processing fee in an amount to be determined by the administrators of the
6 nationwide mortgage licensing system and registry. Renewal applications
7 received after the due date are subject to an additional fee of \$100;

8 (3) The setting or resetting as necessary of renewal or reporting dates; and

9 (4) Other requirements for application for, amendment of or revocation of a
10 registration or any other such activities as the administrator considers necessary.

11 Rules adopted pursuant to this paragraph are routine technical rules as defined in
12 Title 5, chapter 375, subchapter 2-A.

13 **Sec. A-5. 10 MRSA §1396, sub-§2**, as enacted by PL 2009, c. 61, §1, is amended
14 to read:

15 **2. Issuance of license; requirements; fees.** An application for a license as an
16 exchange facilitator must be in writing and filed with the administrator in the manner and
17 form prescribed by the administrator. ~~The administrator shall set an application fee for a~~
18 ~~primary office not to exceed \$350 and for any branch offices not to exceed \$200. All~~
19 ~~funds received by the administrator under this chapter are appropriated for the use of the~~
20 ~~administrator.~~ The administrator may require licensing through the nationwide mortgage
21 licensing system and registry as defined in Title 9-A, section 13-102, subsection 8. The
22 administrator is authorized to participate in the nationwide mortgage licensing system and
23 registry.

24 In all cases, whether licensing is through the nationwide mortgage licensing system and
25 registry or otherwise, the administrator may establish, by rule, requirements for licensing,
26 including but not limited to:

27 A. Background checks for:

28 (1) Criminal history through fingerprint or other databases;

29 (2) Civil or administrative records;

30 (3) Credit history; or

31 (4) Any other information determined necessary by the nationwide mortgage
32 licensing system and registry;

33 B. The payment of fees to apply for or renew licenses, except that the fee for an
34 initial application may not exceed \$600 and for a renewal may not exceed \$500. If
35 licensing is through the nationwide mortgage licensing system and registry, an
36 applicant must also pay a nationwide mortgage licensing system and registry
37 processing fee in an amount to be determined by the administrators of the nationwide
38 mortgage licensing system and registry. Renewal applications received after the due
39 date are subject to an additional fee of \$100;

40 C. The setting or resetting as necessary of renewal or reporting dates; and

1 D. Other requirements for application for, amendment of or revocation of a license
2 or any other such activities as the administrator considers necessary.

3 All funds received by the administrator under this chapter are appropriated for the use of
4 the administrator, and any balance of the funds does not lapse but must be carried forward
5 to be expended for the same purposes in the following fiscal year.

6 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
7 chapter 375, subchapter 2-A.

8 **Sec. A-6. 10 MRSA §1396, sub-§3**, as enacted by PL 2009, c. 61, §1, is
9 repealed.

10 **Sec. A-7. 10 MRSA §1400-B, sub-§1**, as enacted by PL 2009, c. 61, §2, is
11 amended to read:

12 **1. Registration.** A person may not directly or indirectly engage in or carry on, or
13 purport to engage in or carry on, the business of, or act in the capacity of, a settlement
14 agency in this State without first registering with the administrator in accordance with
15 this chapter. The registration must be in a manner and form prescribed by the
16 administrator. ~~The administrator shall set a registration fee for a primary office or a~~
17 ~~branch office not to exceed \$25. All funds received by the administrator under this~~
18 ~~chapter are appropriated for the use of the administrator. The administrator may require~~
19 registration through the nationwide mortgage licensing system and registry as defined in
20 Title 9-A, section 13-102, subsection 8. The administrator is authorized to participate in
21 the nationwide mortgage licensing system and registry.

22 In all cases, whether licensing is through the nationwide mortgage licensing system and
23 registry or otherwise, the administrator may establish, by rule, requirements for
24 registration, including but not limited to:

25 A. Background checks for:

26 (1) Criminal history through fingerprint or other databases;

27 (2) Civil or administrative records;

28 (3) Credit history; or

29 (4) Any other information determined necessary by the nationwide mortgage
30 licensing system and registry;

31 B. The payment of fees to apply for or renew registrations, except that the fee for an
32 initial application may not exceed \$300 and for a renewal may not exceed \$300. If
33 licensing is through the nationwide mortgage licensing system and registry, an
34 applicant must also pay a nationwide mortgage licensing system and registry
35 processing fee in an amount to be determined by the administrators of the nationwide
36 mortgage licensing system and registry. Renewal applications received after the due
37 date are subject to an additional fee of \$100;

38 C. The setting or resetting as necessary of renewal or reporting dates; and

39 D. Other requirements for application for, amendment of or revocation of a
40 registration or any other such activities as the administrator considers necessary.

1 All funds received by the administrator under this chapter are appropriated for the use of
2 the administrator, and any balance of the funds does not lapse but must be carried forward
3 to be expended for the same purposes in the following fiscal year.

4 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
5 chapter 375, subchapter 2-A.

6 **Sec. A-8. 10 MRSA §1400-B, sub-§3,** as enacted by PL 2009, c. 61, §2, is
7 amended to read:

8 **3. Renewal.** On or before April 30th of each year, a settlement agency registered
9 under this chapter shall pay an annual renewal fee ~~of \$25~~ as determined pursuant to
10 subsection 1 and shall file with the administrator a renewal form containing such
11 information as the administrator may require.

12 **Sec. A-9. 10 MRSA §1495-D, sub-§1-A** is enacted to read:

13 **1-A. License requirements; fees.** The administrator may require licensing under
14 this section through the nationwide mortgage licensing system and registry as defined in
15 Title 9-A, section 13-102, subsection 8. The administrator is authorized to participate in
16 the nationwide mortgage licensing system and registry.

17 In all cases, whether licensing is through the nationwide mortgage licensing system and
18 registry or otherwise, the administrator may establish, by rule, requirements for licensing,
19 including but not limited to:

20 A. Background checks for:

21 (1) Criminal history through fingerprint or other databases;

22 (2) Civil or administrative records;

23 (3) Credit history; or

24 (4) Any other information determined necessary by the nationwide mortgage
25 licensing system and registry;

26 B. The payment of fees to apply for or renew licenses, except that the fee for an
27 initial application may not exceed \$1,200 and for a renewal may not exceed \$1,200.
28 If licensing is through the nationwide mortgage licensing system and registry, an
29 applicant must also pay a nationwide mortgage licensing system and registry
30 processing fee in an amount to be determined by the administrators of the nationwide
31 mortgage licensing system and registry. Renewal applications received after the due
32 date are subject to an additional fee of \$100;

33 C. The setting or resetting as necessary of renewal or reporting dates; and

34 D. Other requirements for application for, amendment of or revocation of a license
35 or any other such activities as the administrator considers necessary.

36 The aggregate of license fees and other fees and assessments provided for by this chapter
37 is appropriated for the use of the administrator. Any balance of these funds does not
38 lapse but must be carried forward to be expended for the same purpose in the following
39 fiscal year.

1 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
2 chapter 375, subchapter 2-A.

3 **Sec. A-10. 10 MRSA §1495-D, sub-§4**, as repealed and replaced by PL 2011, c.
4 308, §5, is repealed.

5 **Sec. A-11. 10 MRSA §1500-H, sub-§6**, as repealed and replaced by PL 2017, c.
6 475, Pt. A, §13, is amended to read:

7 **6. Enforcement.** ~~The superintendent may require the filing of notification by an~~
8 ~~administrator pursuant to Title 9-A, section 6-202 and section 6-203, subsection 1.~~ The
9 superintendent may require the filing of waivers in use by an administrator. Upon request
10 by the superintendent, an administrator shall annually file a record of waivers
11 administered by the administrator.

12 The superintendent may take action that is necessary or appropriate to enforce the
13 provisions of this chapter and to protect borrowers who hold waivers in this State. In
14 cases in which a credit union or financial institution authorized to do business in this
15 State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, is a creditor, the
16 Superintendent of Financial Institutions is responsible for enforcement. After notice and
17 opportunity for hearing, the superintendent may:

18 A. Order the creditor, administrator or any other person not in compliance with this
19 chapter to cease and desist from further waiver-related operations that are in violation
20 of this chapter; and

21 B. Impose a penalty of not more than \$500 per violation and not more than \$10,000
22 in the aggregate for all violations of a similar nature. For purposes of this paragraph,
23 violations must be considered of a similar nature if the violations consist of the same
24 or a similar course of conduct, action or practice, irrespective of the number of times
25 the conduct, action or practice that is determined to be a violation of this chapter
26 occurred.

27 **Sec. A-12. 10 MRSA §1500-H, sub-§6-A** is enacted to read:

28 **6-A. Registration; fees.** The superintendent may require registration of an
29 administrator that may include use of the nationwide mortgage licensing system and
30 registry as defined in Title 9-A, section 13-102, subsection 8. The administrator is
31 authorized to participate in the nationwide mortgage licensing system and registry.

32 In all cases, whether registration is through the nationwide mortgage licensing system and
33 registry or otherwise, the administrator may establish, by rule, requirements for
34 registration, including but not limited to:

35 A. Background checks for:

36 (1) Criminal history through fingerprint or other databases;

37 (2) Civil or administrative records;

38 (3) Credit history; or

1 (4) Any other information determined necessary by the nationwide mortgage
2 licensing system and registry;

3 B. The payment of fees to apply for or renew registrations, except that the fee for an
4 initial application may not exceed \$300 and for a renewal may not exceed \$300. If
5 registration is through the nationwide mortgage licensing system and registry, an
6 applicant must also pay a nationwide mortgage licensing system and registry
7 processing fee in an amount to be determined by the administrators of the nationwide
8 mortgage licensing system and registry. Renewal applications received after the due
9 date are subject to an additional fee of \$100;

10 C. The setting or resetting as necessary of renewal or reporting dates; and

11 D. Other requirements for application for, amendment of or revocation of a
12 registration or any other such activities as the administrator considers necessary.

13 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.

15 **Sec. A-13. 10 MRSA §1500-H, sub-§7, ¶B,** as repealed and replaced by PL
16 2017, c. 475, Pt. A, §13, is amended to read:

17 B. Subsection 2, paragraph C and subsections 4 ~~and~~, 6 ~~and~~ 6-A are not applicable to
18 a waiver offered in connection with a retail installment sale associated with a
19 commercial transaction.

20 **Sec. A-14. 32 MRSA §6103, sub-§3** is enacted to read:

21 **3. Nationwide mortgage licensing system and registry.** The administrator may
22 require licensing under this section through the nationwide mortgage licensing system
23 and registry as defined in Title 9-A, section 13-102, subsection 8. The administrator is
24 authorized to participate in the nationwide mortgage licensing system and registry.

25 **Sec. A-15. 32 MRSA §6103, sub-§4** is enacted to read:

26 **4. License requirements; fees.** In all cases, whether licensing is through the
27 nationwide mortgage licensing system and registry or otherwise, the administrator may
28 establish, by rule, requirements for licensing under this section, including but not limited
29 to:

30 A. Background checks for:

31 (1) Criminal history through fingerprint or other databases;

32 (2) Civil or administrative records;

33 (3) Credit history; or

34 (4) Any other information determined necessary by the nationwide mortgage
35 licensing system and registry;

36 B. The payment of fees to apply for or renew licenses, except that the fee for an
37 initial application may not exceed \$1,200 and for a renewal may not exceed \$1,000.
38 If licensing is through the nationwide mortgage licensing system and registry, an

1 applicant must also pay a nationwide mortgage licensing system and registry
2 processing fee in an amount to be determined by the administrators of the nationwide
3 mortgage licensing system and registry. Renewal applications received after the due
4 date are subject to an additional fee of \$100;

5 C. The setting or resetting as necessary of renewal or reporting dates; and

6 D. Other requirements for application for, amendment of or revocation of a license
7 or any other such activities as the administrator considers necessary.

8 In addition, the application or renewal application must be accompanied by a registration
9 fee of \$50 for each authorized delegate designated by the licensee, up to a maximum of
10 \$2,500.

11 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
12 chapter 375, subchapter 2-A.

13 **Sec. A-16. 32 MRSA §6108**, as enacted by PL 1997, c. 155, Pt. A, §2, is repealed.

14 **Sec. A-17. 32 MRSA §6110, sub-§1**, as enacted by PL 1997, c. 155, Pt. A, §2, is
15 repealed.

16 **Sec. A-18. 32 MRSA §6110, sub-§2**, as enacted by PL 1997, c. 155, Pt. A, §2, is
17 amended to read:

18 **2. Annual report.** The renewal fee established pursuant to section 6103, subsection
19 4 must be accompanied by a report in a form prescribed by the administrator. The form
20 must be sent by the administrator to each licensee no later than 3 months immediately
21 preceding the date established by the administrator for license renewal. The licensee
22 must include the following in its annual renewal report:

23 A. A copy of its most recent audited annual financial statement, including balance
24 sheet, statement of income or loss, statement of changes in shareholder's equity and
25 statement of changes in financial position. With the approval of the administrator, in
26 the case of a licensee that is a wholly owned subsidiary of another corporation, the
27 consolidated audited annual financial statement of the parent corporation may be filed
28 in lieu of the licensee's audited annual financial statement;

29 B. For the most recent quarter for which data are available prior to the date of the
30 filing of the renewal application, but in no event more than 120 days prior to the
31 renewal date, the number of payment instruments sold by the licensee in the State, the
32 dollar amount of those instruments and the dollar amount of those instruments
33 currently outstanding;

34 C. Any material changes to any of the information submitted by the licensee on its
35 original application that have not previously been reported to the administrator on
36 any other report required to be filed under this subchapter; and

37 D. A list of the locations within this State at which business regulated by this
38 subchapter is being conducted by either the licensee or its authorized delegate.

39 The administrator is authorized, for good cause shown, to waive any requirement of this
40 subsection with respect to any renewal application or to permit a renewal applicant to

1 submit substituted information in its renewal application in lieu of the information
2 required by this subsection.

3 **Sec. A-19. 32 MRSA §6110, sub-§3**, as enacted by PL 1997, c. 155, Pt. A, §2, is
4 amended to read:

5 **3. Suspension.** A licensee that has not filed a renewal report or paid its renewal fee
6 established pursuant to section 6103, subsection 4 by the renewal filing deadline and has
7 not been granted an extension of time to do so by the administrator must be notified by
8 the administrator, in writing, that its license is suspended. At the licensee's request, the
9 suspension may be stayed, and a hearing will be scheduled, at which time the licensee
10 will be required to show cause why its license should not be suspended pending
11 compliance with these requirements.

12 **Sec. A-20. 32 MRSA §6133, sub-§2**, as enacted by PL 1997, c. 155, Pt. A, §2, is
13 amended to read:

14 **2. Additional locations.** A registrant may conduct its business in this State at one or
15 more locations, directly or indirectly owned, or through one or more authorized delegates,
16 subject to the additional requirements set forth in this section 6137.

17 **Sec. A-21. 32 MRSA §6133, sub-§3** is enacted to read:

18 **3. Nationwide mortgage licensing system and registry.** The administrator may
19 require registration under this section through the nationwide mortgage licensing system
20 and registry as defined in Title 9-A, section 13-102, subsection 8. The administrator is
21 authorized to participate in the nationwide mortgage licensing system and registry.

22 **Sec. A-22. 32 MRSA §6133, sub-§4** is enacted to read:

23 **4. Registration requirements; fees.** In all cases, whether registration is through the
24 nationwide mortgage licensing system and registry or otherwise, the administrator may
25 establish, by rule or order, requirements for registration under this section, including but
26 not limited to:

27 A. Background checks for:

28 (1) Criminal history through fingerprint or other databases;

29 (2) Civil or administrative records;

30 (3) Credit history; or

31 (4) Any other information determined necessary by the nationwide mortgage
32 licensing system and registry;

33 B. The payment of fees to apply for or renew registrations, including for locations
34 other than the applicant's main office location, except that the fee for an initial
35 application may not exceed \$500 and for a renewal may not exceed \$500. If
36 registration is through the nationwide mortgage licensing system and registry, an
37 applicant must also pay a nationwide mortgage licensing system and registry
38 processing fee in an amount to be determined by the administrators of the nationwide

1 mortgage licensing system and registry. Renewal applications received after the due
2 date are subject to an additional fee of \$100;

3 C. The setting or resetting as necessary of renewal or reporting dates; and

4 D. Other requirements for application for, amendment of or revocation of a
5 registration or any other such activities as the administrator considers necessary.

6 The aggregate of all fees, including those provided for by this section and in section
7 6140, is appropriated for the use of the administrator. Any balance of the funds does not
8 lapse but must be carried forward to be expended for the same purposes in the following
9 fiscal year.

10 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
11 chapter 375, subchapter 2-A.

12 **Sec. A-23. 32 MRSA §6137**, as enacted by PL 1997, c. 155, Pt. A, §2, is repealed.

13 **Sec. A-24. 32 MRSA §6173**, as amended by PL 2009, c. 243, §4, is further
14 amended to read:

15 **§6173. Registration and annual reregistration**

16 **2. Registration and reregistration.** An organization desiring to act, or continue to
17 act, as a debt management service provider shall apply to the administrator for
18 registration or reregistration in accordance with this chapter. The application must be in a
19 form prescribed by the administrator. The administrator may refuse the application if it
20 contains erroneous or incomplete information. A registration may not be issued unless
21 the administrator, upon investigation, finds that the financial soundness and
22 responsibility, insurance coverage, consumer education programs and services
23 component, character and fitness of the applicant and, when applicable, its partners,
24 officers or directors, warrant belief that the business will be operated honestly and fairly
25 within the purposes of this chapter. ~~The initial application for registration may be filed at~~
26 ~~any time and must include a fee of \$500. A registration or reregistration under this~~
27 ~~chapter expires on December 31st of the year approved. An annual reregistration~~
28 ~~application must be filed by December 1st of each year for the following year and must~~
29 ~~include a fee of \$250.~~

30 **2-A. Separate registration required.** A separate registration is required for each
31 place of business. ~~An application fee of \$250 must accompany an application for~~
32 ~~registration for a place of business other than that of the first registered location of the~~
33 ~~registrant.~~

34 **2-B. Registration requirements; fees.** The administrator may require registration
35 under this section through the nationwide mortgage licensing system and registry as
36 defined in Title 9-A, section 13-102, subsection 8. The administrator is authorized to
37 participate in the nationwide mortgage licensing system and registry.

38 In all cases, whether registration is through the nationwide mortgage licensing system and
39 registry or otherwise, the administrator may establish, by rule, requirements for
40 registration, including but not limited to:

- 1 A. Background checks for:
2 (1) Criminal history through fingerprint or other databases;
3 (2) Civil or administrative records;
4 (3) Credit history; or
5 (4) Any other information determined necessary by the nationwide mortgage
6 licensing system and registry;
7 B. The payment of fees to apply for or renew registrations, except that the fee for an
8 initial application may not exceed \$800 and for a renewal may not exceed \$600. If
9 registration is through the nationwide mortgage licensing system and registry, an
10 applicant must also pay a nationwide mortgage licensing system and registry
11 processing fee in an amount to be determined by the administrators of the nationwide
12 mortgage licensing system and registry. Renewal applications received after the due
13 date are subject to an additional fee of \$100;
14 C. The setting or resetting as necessary of renewal or reporting dates; and
15 D. Other requirements for application for, amendment of or revocation of a
16 registration or any other such activities as the administrator considers necessary.

17 **3. Action on registration application.** The administrator shall take action on an
18 application within 30 days after the administrator has accepted the application as
19 complete. Upon written request, the applicant is entitled to a hearing on the question of
20 the applicant's qualifications for registration if the administrator has notified the applicant
21 in writing that the application has been denied or the administrator has not issued a
22 registration within 30 days after the application for the registration was accepted as
23 complete by the administrator. A request for a hearing may not be made more than 60
24 days after the application was accepted as complete or the administrator has mailed a
25 written notice to the applicant stating that the application has been denied and stating the
26 reasons for the denial of the application.

27 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
28 chapter 375, subchapter 2-A.

29 **Sec. A-25. 32 MRSA §6193**, as enacted by PL 2007, c. 596, §1, is amended to
30 read:

31 **§6193. License required; license requirements; fees**

32 A foreclosure purchaser may not engage in the business of foreclosure purchasing in
33 this State without first obtaining a license from the administrator, except that a supervised
34 financial organization as defined in Title 9-A, section 1-301, subsection 38-A is not
35 required to be licensed. ~~The requirements for obtaining a license under this chapter must~~
36 ~~be substantially similar to the requirements for a supervised lender license as provided in~~
37 ~~Title 9-A, section 2-301.~~ The administrator may require licensing through the nationwide
38 mortgage licensing system and registry as defined in Title 9-A, section 13-102,
39 subsection 8. The administrator is authorized to participate in the nationwide mortgage
40 licensing system and registry.

1 In all cases, whether licensing is through the nationwide mortgage licensing system
2 and registry or otherwise, the administrator may establish, by rule or order, requirements
3 for licensing, including but not limited to:

4 **1. Background checks.** Background checks for:

5 A. Criminal history through fingerprint or other databases;

6 B. Civil or administrative records;

7 C. Credit history; or

8 D. Any other information determined necessary by the nationwide mortgage
9 licensing system and registry;

10 **2. Fees.** The payment of fees to apply for or renew licenses, except that the fee for
11 an initial application may not exceed \$1,000 and for a renewal may not exceed \$600. If
12 licensing is through the nationwide mortgage licensing system and registry, an applicant
13 must also pay a nationwide mortgage licensing system and registry processing fee in an
14 amount to be determined by the administrators of the nationwide mortgage licensing
15 system and registry. Renewal applications received after the due date are subject to an
16 additional fee of \$100;

17 **3. Dates.** The setting or resetting as necessary of renewal or reporting dates; and

18 **4. Other requirements.** Other requirements for application for, amendment of or
19 revocation of a license or any other such activities as the administrator considers
20 necessary.

21 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
22 chapter 375, subchapter 2-A.

23 **Sec. A-26. 32 MRSA §11031, sub-§2,** as amended by PL 2009, c. 243, §6, is
24 further amended to read:

25 **2. Licenses.** Licenses granted by the superintendent under this section are for a
26 period of 2 years and expire on July 31st or at such other times as the superintendent may
27 designate. Each license may be renewed biennially as long as the superintendent regards
28 the business as responsible and safe, but in all cases terminate unless renewed by the
29 expiration date. Each license must plainly state the name and business address of the
30 licensee and be posted in a conspicuous place in the office where the business is
31 transacted. The fee for each biennial license is \$600. When the unexpired license term of
32 an applicant is or will be less than one year at a time of licensure, the license fee may not
33 exceed 1/2 the biennial license fee. If a licensee desires to carry on business in more than
34 one place, the licensee shall procure a branch office license for each additional place
35 where the business is to be conducted. The fee for each biennial branch office license is
36 \$300. Notwithstanding other remedies available under this chapter, applications received
37 after the due date are subject to an additional fee of \$100. The administrator may require
38 licensing through the nationwide mortgage licensing system and registry as defined in
39 Title 9-A, section 13-102, subsection 8. The administrator is authorized to participate in
40 the nationwide mortgage licensing system and registry.

1 In all cases, whether licensing is through the nationwide mortgage licensing system and
2 registry or otherwise, the administrator may establish, by rule or order, requirements for
3 licensing, including but not limited to:

4 A. Background checks for:

5 (1) Criminal history through fingerprint or other databases;

6 (2) Civil or administrative records;

7 (3) Credit history; or

8 (4) Any other information determined necessary by the nationwide mortgage
9 licensing system and registry;

10 B. The payment of fees to apply for or renew licenses, except that the fee for an
11 initial application may not exceed \$800 and for a renewal may not exceed \$500. If
12 licensing is through the nationwide mortgage licensing system and registry, an
13 applicant must also pay a nationwide mortgage licensing system and registry
14 processing fee in an amount to be determined by the administrators of the nationwide
15 mortgage licensing system and registry. Renewal applications received after the due
16 date are subject to an additional fee of \$100;

17 C. The setting or resetting as necessary of renewal or reporting dates; and

18 D. Other requirements for application for, amendment of or revocation of a license
19 or any other such activities as the administrator considers necessary.

20 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
21 chapter 375, subchapter 2-A.

22 **Sec. A-27. 32 MRS §14053**, as amended by PL 1997, c. 29, §1, is further
23 amended to read:

24 **§14053. Registration process requirements**

25 **1. Statement.** Except as otherwise provided in this section, each employee leasing
26 company required to be registered under section 14052 shall provide the superintendent
27 with information required by the superintendent on forms that the superintendent
28 specifies. ~~At a minimum, employee leasing companies shall provide the following~~
29 ~~information:~~ The superintendent may require registration through the nationwide
30 mortgage licensing system and registry as defined in Title 9-A, section 13-102,
31 subsection 8. The superintendent is authorized to participate in the nationwide mortgage
32 licensing system and registry.

33 The superintendent shall, at a minimum, require employee leasing companies to provide
34 the following information:

35 A. The name or names under which the registrant conducts business;

36 B. The address of the principal place of business of the employee leasing company
37 and the address of each office it maintains in this State;

38 C. The employee leasing company's taxpayer or employer identification number;

1 D. A list by jurisdiction of each name under which the employee leasing company
2 has operated in the preceding 5 years, including any alternative names, names of
3 predecessors and, if known, successor business entities;

4 E. A list of all persons or entities that own a 5% or greater interest in the employee
5 leasing company at the time of application and a list of persons who formerly owned
6 a 5% or greater interest in the employee leasing company or its predecessors in the
7 preceding 5 years; and

8 F. A list of the cancellations or nonrenewals of workers' compensation insurance
9 issued to the employee leasing company or its predecessors in the preceding 5 years.
10 The list must include the policy or certificate numbers, names of insurers or other
11 providers of coverage, dates of cancellation and reasons for cancellation. If coverage
12 has not been canceled or has been renewed, the registration must include a sworn
13 affidavit signed by the chief executive officer of the employee leasing company
14 attesting to that fact.

15 **1-A. Registration process authorized.** In all cases, whether registration is through
16 the nationwide mortgage licensing system and registry or otherwise, the superintendent
17 may establish, by rule, requirements for registration, including but not limited to:

18 A. Background checks for:

19 (1) Criminal history through fingerprint or other databases;

20 (2) Civil or administrative records;

21 (3) Credit history; or

22 (4) Any other information determined necessary by the nationwide mortgage
23 licensing system and registry;

24 B. The payment of fees to apply for or renew registrations, except that the fee for an
25 initial application may not exceed \$1,000 and for a renewal may not exceed \$500. If
26 registration is through the nationwide mortgage licensing system and registry, an
27 applicant must also pay a nationwide mortgage licensing system and registry
28 processing fee in an amount to be determined by the administrators of the nationwide
29 mortgage licensing system and registry. Renewal applications received after the due
30 date are subject to an additional fee of \$100;

31 C. The setting or resetting as necessary of any renewal or reporting dates; and

32 D. Other requirements for application for, amendment of or revocation of a
33 registration or any other such activities as the superintendent considers necessary.

34 Fees provided for by this chapter are appropriated for the use of the Bureau of Consumer
35 Credit Protection. Any balance of these funds does not lapse but must be carried forward
36 to be expended for the same purpose in the following year.

37 ~~**2. Renewal.** Prior to January 31st of each year or any other time fixed by the~~
38 ~~superintendent, each registrant shall renew its registration by notifying the superintendent~~
39 ~~of any changes in the information previously provided pursuant to this section.~~

1 **3. List.** The superintendent shall maintain a list of employee leasing companies
2 registered under this chapter.

3 **4. Forms.** The superintendent may prescribe forms necessary to promote the
4 efficient administration of this section.

5 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
6 chapter 375, subchapter 2-A.

7 **Sec. A-28. 32 MRSA §14054,** as amended by PL 2013, c. 257, §2, is repealed.

8 **PART B**

9 **Sec. B-1. 9-A MRSA §6-104-B** is enacted to read:

10 **§6-104-B. Deputy superintendent**

11 The Superintendent of Consumer Credit Protection may appoint a deputy
12 superintendent, subject to the approval of the Commissioner of Professional and Financial
13 Regulation and in accordance with the Civil Service Law. The deputy superintendent
14 shall perform the duties of the Superintendent of Consumer Credit Protection whenever
15 the Superintendent of Consumer Credit Protection is absent from the State; the deputy
16 superintendent is directed to do so by the Superintendent of Consumer Credit Protection;
17 there is a vacancy in the office of the Superintendent of Consumer Credit Protection; or
18 the Superintendent of Consumer Credit Protection is incapacitated by illness. In the event
19 of a vacancy in the office of the Superintendent of Consumer Credit Protection or the
20 Superintendent of Consumer Credit Protection's incapacitating illness or absence from the
21 State at a time when there is no deputy superintendent, the commissioner may designate a
22 special deputy superintendent to perform the duties of the Superintendent of Consumer
23 Credit Protection for a period not to exceed 6 months.

24 **SUMMARY**

25 Part A of this bill amends application and renewal fee provisions for entities licensed
26 and regulated by the Bureau of Consumer Credit Protection to allow the bureau to utilize
27 rulemaking to adjust fees when necessary to fund the consumer protection and regulatory
28 work of the agency or to reduce fees if cash balances in bureau accounts reach
29 unnecessarily high levels. The bill also allows the bureau to use the nationwide mortgage
30 licensing system and registry to license or register regulated entities.

31 Part B of the bill authorizes the Superintendent of Consumer Credit Protection to
32 appoint a deputy superintendent.