

§13-112. Enforcement authorities, violations and penalties

1. Enforcement. In order to ensure the effective supervision and enforcement of this Article, the administrator may, pursuant to this Title and the Maine Administrative Procedure Act:

- A. Deny, suspend, revoke, condition or decline to renew a license for a violation of this Article or rules issued under this Article or an order or a directive entered under this Article; [PL 2009, c. 362, Pt. B, §1 (NEW).]
- B. Deny, suspend, revoke, condition or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of section 13-105 or section 13-108, or withholds information or makes a material misstatement in an application for a license or renewal of a license; [PL 2009, c. 362, Pt. B, §1 (NEW).]
- C. Order restitution against persons subject to this Article for violations of this Article; [PL 2009, c. 362, Pt. B, §1 (NEW).]
- D. Impose fines on persons subject to this Article pursuant to subsections 2 to 4; and [PL 2009, c. 362, Pt. B, §1 (NEW).]
- E. Issue orders or directives under this Article as follows:
 - (1) Order or direct persons subject to this article to cease and desist from conducting business, including immediate temporary orders to cease and desist;
 - (2) Order or direct persons subject to this article to cease any harmful activities or violations of this article, including immediate temporary orders to cease and desist;
 - (3) Enter immediate temporary orders to cease business under a license issued pursuant to the authority granted under section 13-103, subsection 4 if the administrator determines that such a license was erroneously granted or the licensee is in violation of this Article; and
 - (4) Order or direct other affirmative action that the administrator considers necessary. [PL 2009, c. 362, Pt. B, §1 (NEW).]

[PL 2009, c. 362, Pt. B, §1 (NEW).]

2. Penalty. The administrator may impose a civil fine on a mortgage loan originator or person subject to this Article if the administrator finds on the record after notice and opportunity for hearing, that such mortgage loan originator or person subject to this Article has violated or failed to comply with any requirement of this Article or any rule prescribed by the administrator under this Article or order issued under authority of this Article.

[PL 2009, c. 362, Pt. B, §1 (NEW).]

3. Maximum fine. A person who violates this section commits a civil violation for each act or omission described in subsection 2, a fine for which no more than \$25,000 must be adjudged.

[PL 2009, c. 362, Pt. B, §1 (NEW).]

4. Separate violation. Each violation or failure to comply with any directive or order of the administrator is a separate and distinct violation or failure.

[PL 2009, c. 362, Pt. B, §1 (NEW).]

5. Effect on mortgage loans. This article may not be construed to provide that a mortgage loan originator's good faith failure to comply with the requirements of this article affects the validity or enforceability of the obligations under any residential mortgage loan resulting from a transaction in which the mortgage loan originator participated.

[PL 2011, c. 289, §4 (NEW); PL 2011, c. 289, §5 (AFF).]

SECTION HISTORY

PL 2009, c. 362, Pt. B, §1 (NEW). PL 2011, c. 289, §4 (AMD). PL 2011, c. 289, §5 (AFF).

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