

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 9-A MRSA §1-201, sub-§1, as amended by PL 2001, c. 371, §1, is further amended to read:

1. Except as otherwise provided in this section, this Act applies to consumer credit transactions and open-end credit plans made or entered into in this State. For purposes of this Act, a consumer credit transaction or open-end credit plan is made or entered into in this State if:

A. A signed writing evidencing the obligation or offer of the consumer is received by the creditor in this State; ~~or~~

B. The creditor, wherever located, induces the consumer who is a resident of this State to enter into the transaction or open-end credit plan by face-to-face, mail, telephone or electronic mail solicitation in this State; ~~or~~

C. With respect to a payday loan, the lender, wherever located, enters into a payday loan transaction with a consumer who is located in this State.

Sec. 2. 9-A MRSA §1-301, sub-§28-A is enacted to read:

28-A. "Payday loan" means a supervised loan or other credit transaction in which a cash advance is made to a consumer in exchange for the consumer's personal check or in exchange for the consumer's authorization to debit the consumer's deposit account and when the parties agree either that the check will not be cashed or deposited or that the consumer's deposit account will not be debited until a designated future date.'

SUMMARY

This amendment replaces the bill. It provides for the integration of the regulation of Internet-based payday lending into the Maine Consumer Credit Code. It provides a definition of "payday loan" in the definition section of the Code and amends the territorial application provision of the Code to clarify that it applies to payday lenders, wherever located, that make payday loans to consumers in this State.