



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1203

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H.P. 847

House of Representatives, March 26, 2013

### **An Act To Encourage Financing of Manufactured Housing for the Workforce**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative VOLK of Scarborough.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: FOWLE of Vassalboro, MacDONALD of Old Orchard Beach, NADEAU of Winslow, SIROCKI of Scarborough, Senators: CUSHING of Penobscot, PATRICK of Oxford, THIBODEAU of Waldo, WHITTEMORE of Somerset.

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

2 **Sec. 1. 9-A MRSA §13-103, sub-§1**, as enacted by PL 2009, c. 362, Pt. B, §1, is  
3 amended to read:

4 **1. Requirement.** An individual, unless specifically exempted from this Article  
5 under subsection 2, may not engage in the business of a mortgage loan originator without  
6 obtaining and maintaining annually a license under this Article. Each licensed mortgage  
7 loan originator must register with and maintain a valid unique identifier issued by the  
8 nationwide mortgage licensing system and registry.

9 As used in this subsection, "engaging in the business of a mortgage loan originator"  
10 means the individual, in a commercial context and habitually or repeatedly:

11 A. Takes a residential mortgage loan application and offers or negotiates terms of a  
12 residential mortgage loan for compensation or gain; or

13 B. Represents to the public, through advertising or other means of communicating or  
14 providing information, including the use of business cards, stationery, brochures,  
15 signs, rate lists or other promotional items, that the individual can or will perform the  
16 activities described in paragraph A.

17 **Sec. 2. 9-A MRSA §13-103, sub-§2, ¶¶H to J** are enacted to read:

18 H. An individual who acts as a mortgage loan originator in providing financing for  
19 the sale of a property owned by that individual as long as that individual does not  
20 habitually or repeatedly engage in that activity.

21 I. An individual who acts as a mortgage loan originator as long as the source of  
22 prospective financing does not provide mortgage financing or perform other  
23 mortgage loan origination activities habitually or repeatedly.

24 J. An employee of a government entity who acts as a mortgage loan originator  
25 pursuant to that employee's official duties as an employee of that government entity.

26 **SUMMARY**

27 This bill amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act  
28 of 2009 to specify that a person is not required to be licensed as a mortgage loan  
29 originator if that person does not engage in the business of a mortgage loan originator in a  
30 commercial context habitually or repeatedly or is a government employee acting in that  
31 employee's official capacity as a government employee.