

MAINE STATE LEGISLATURE

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Date: 5-29-09

(Filing No. S-276)

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**STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 523,
L.D. 1439, Bill, "An Act To Conform State Mortgage Laws with Federal Laws"

Amend the amendment on page 2 in paragraph A by inserting after subparagraph (2) and before subparagraph (3) the following:

'(3) A creditor is presumed to have complied with this paragraph with respect to a transaction if the creditor:

(a) Verifies the consumer's repayment ability as provided in subparagraphs (1) and (2);

(b) Determines the consumer's repayment ability using the largest payment of principal and interest scheduled in the first 7 years following consummation and taking into account current obligations and mortgage-related obligations; and

(c) Assesses the consumer's repayment ability taking into account at least one of the following:

(i) The ratio of total debt obligations to income; and

(ii) The income the consumer will have after paying debt obligations.

(4) Notwithstanding subparagraph (3), no presumption of compliance is available for a transaction for which:

(a) The regular periodic payments for the first 7 years would cause the principal balance to increase; or

(b) The term of the loan is less than 7 years and the regular periodic payments when aggregated do not fully amortize the outstanding principal balance.'

Amend the amendment on page 2 in paragraph A in subparagraph (3) in the first line (page 2, line 26 in amendment) by striking out the following "(3)" and inserting the following: '(5)'

SUMMARY

Committee Amendment "A" removed the presumption of compliance provision in the section of the bill relating to a creditor's obligation to certify a consumer's ability to repay a higher-priced mortgage loan. This amendment restores the provision that establishes the presumption of compliance.

SPONSORED BY: Nancy Sullivan

(Senator SULLIVAN)

COUNTY: York