

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2110

S.P. 903

In Senate, January 3, 2024

An Act to Amend the Laws Governing Licensing of Payroll Processors

Approved for introduction by a majority of the Legislative Council 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 TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 10 MRSA §1495-D, sub-§1-A**, as enacted by PL 2021, c. 245, Pt. D, §9, is
3 amended to read:

4 **1-A. License requirements; fees.** ~~The administrator may require licensing under this~~
5 ~~section through the nationwide mortgage licensing system and registry as defined in Title~~
6 ~~9-A, section 13-102, subsection 8. The administrator is authorized to participate in the~~
7 ~~nationwide mortgage licensing system and registry. The administrator may establish, by~~
8 ~~rule, requirements for licensing, including but not limited to:~~

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

12 ~~A. Background checks for:~~

13 ~~(1) Criminal history through fingerprint or other databases;~~

14 ~~(2) Civil or administrative records;~~

15 ~~(3) Credit history; or~~

16 ~~(4) Any other information determined necessary by the nationwide mortgage~~
17 ~~licensing system and registry;~~

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

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

26 D. Other requirements for application for, amendment of or revocation of a license or
27 any other such activities as the administrator considers necessary, ~~except that the~~
28 ~~administrator may not require licensing through the nationwide mortgage licensing~~
29 ~~system and registry as defined by Title 9-A, section 13-102, subsection 8.~~

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

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

36 **SUMMARY**

37 This bill removes the authority of the Superintendent of Consumer Credit Protection
38 and Superintendent of Financial Institutions within the Department of Professional and
39 Financial Regulation, referred to in the laws governing payroll processors as "the
40 administrator," to require licensing of payroll processors through the nationwide mortgage

1 licensing system and registry. This bill also repeals the provision of law that grants specific
2 authority to the administrator to establish, by rulemaking, requirements that certain
3 background checks be required to obtain a payroll processor license. However, the bill does
4 not remove the general authority of the administrator to adopt rules establishing
5 requirements for licensing of payroll processors.