

MAINE STATE LEGISLATURE

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L.D. 1523

(Filing No. H- 268)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
11TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1153,
L.D. 1523, Bill, "AN ACT to Amend the Foreclosure
Laws."

Amend the bill in section 1 by striking out all
of the amending clause (page 1, lines 22 to 24 in
L.D.) and inserting in its place the following:

'Sec. 1. 4 MRSA §152, as amended by PL 1983, c.
275, is repealed and the following enacted in its
place:'

Further amend the bill in section 1 in that part
designated "§152." in subsection 1 in the 4th line
(page 1, line 31 in L.D.) by striking out the under-
line figure "1981" and inserting in its place the
underlined figure '1961'

Further amend the bill in section 1 in that part
designated "§152." in subsection 2 in the 2nd line
(page 2, line 2 in L.D.) by striking out the under-
lined figure "\$20,000" and inserting in its place the
underlined figure '\$30,000'

Further amend the bill in section 1 in that part
designated "§152." in subsection 2 in the 5th line
(page 2, line 5 in L.D.) by striking out the under-
lined figure "\$20,000" and inserting in its place the
underlined figure '\$30,000'

Further amend the bill in section 1 in that part
designated "§152." in subsection 4 by striking out
all of paragraphs G and H (page 2, lines 29 to 32 in
L.D.) and inserting in their place the following:

'G. Mental retardation certification hearings

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1 under Title 34, chapter 229;

2 H. Small claims actions under Title 14, chapter
3 738; and

4 I. Actions for restitution under Title 5,
5 section 213.'

6 Further amend the bill in section 2 in that part
7 designated "§6321." in the last paragraph by striking
8 out all of the 2nd sentence (page 4, lines 25 to 34
9 in L.D.)

10 Further amend the bill in section 2 in that part
11 designated "§6321." in the last paragraph in the 6th
12 line from the end (page 5, line 2 in L.D.) by
13 inserting after the word "premises" the following: '4
14 through the time of the recording of the complaint
15 or the clerk's certificate'

16 Further amend the bill in section 2 in that part
17 designated "§6321." in the last paragraph by striking
18 out all of the last underlined sentence (page 5,
19 lines 5 to 7 in L.D.) and inserting in its place the
20 following;

21 'Any other party having a claim to the real estate
22 whose claim is not recorded in the registry of deeds
23 as of the time of recording of the copy of the com-
24 plaint or the clerk's certificate need not be joined
25 in the foreclosure action, and any such party shall
26 have no claim against the real estate after comple-
27 tion of the foreclosure sale; provided that any such
28 party may move to intervene in the action for the
29 purpose of being added as a party in interest at any
30 time prior to the entry of judgment.'

31 Further amend the bill by inserting after section
32 2 the following:

33 'Sec. 3. 14 MRSA §6322, last ¶, as enacted by PL
34 1977, c. 618, is amended to read:

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1 On mortgages executed prior to October 1, 1975,
2 unless the mortgage contains language to the con-
3 trary, the period of redemption shall be one year
4 from the date of the judgment. On mortgages executed
5 on or after October 1, 1975, the period of redemption
6 shall be 90 days from the date of the judgment. In
7 either case, the redemption period shall begin to run
8 upon entry of the judgment or foreclosure, provided
9 that no appeal is taken.'

10 Further amend the bill in section 3 in that part
11 designated "§6323." by striking out all of the last
12 underlined sentence (page 6, lines 1 to 4 in L.D.)
13 and inserting in its place the following:

14 'The "public sale" shall be the date on which bids
15 are received to establish the sales price, no matter
16 when the sale is completed by the delivery of the
17 deed to the highest bidder.'

18 Further amend the bill in section 4 in that part
19 designated "§6324." in the 13th line from the end
20 (page 6, line 26 in L.D.) by inserting after the
21 words "time of the" the underlined word 'public'

22 Further amend the bill by renumbering the sec-
23 tions to read consecutively.

24 STATEMENT OF FACT

25 This amendment corrects the reference to the
26 latest amended version of Title 14, section 152,
27 which L.D. 1523 repeals and replaces.

28 The amendment corrects a typographical error in
29 reference to a date.

30 The amendment raises the damage amount limitation
31 in the original bill from \$20,000 to \$30,000 to con-
32 form to the change made in this amount by Public Law

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1 1983, chapter 275.

2 The amendment adds expanded jurisdiction for the
3 District Court to hear unfair trade practices actions
4 to conform to this change made by Public Law 1983,
5 chapter 29.

6 This amendment also clears up 2 clerical errors
7 regarding placement of new provisions in the foreclo-
8 sure laws.

9 The amendment makes it clear that parties in
10 interest shall only include those parties having
11 claims to the property as of the time of the record-
12 ing of the complaint or clerk's certificate, and con-
13 firms the general lis pendens notion of civil action.

14 The amendment eliminates the words "public auc-
15 tion" from the original bill, to avoid confusion, and
16 makes the definition of public sale more clear.

17 Finally, the amendment makes it clear that the
18 deficiency claim is measured up to the date of
19 "public sale," as defined by the amendment, to dis-
20 tinguish it from any other sale date that may occur.

21 3963051883

Reported by the Committee on Judiciary
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the House
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