

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1444

S.P. 585

In Senate, April 3, 2025

An Act to Prevent Foreclosures Without Strict Compliance with Notice Requirements

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative MOONEN of Portland and
Senators: PIERCE of Cumberland, RENY of Lincoln, ROTUNDO of Androscoggin,
Representatives: BELL of Yarmouth, Speaker FECTEAU of Biddeford, GATTINE of
Westbrook, KUHN of Falmouth.

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

Sec. 1. 14 MRSA §6111, sub-§1, as amended by PL 2009, c. 402, §10, is further amended to read:

1. Notice; payment. With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property as the mortgagor's primary residence and the mortgage secures a loan for personal, family or household use, the mortgagee may not ~~accelerate maturity of the unpaid balance of the obligation or otherwise~~ enforce the mortgage in a judicial action for foreclosure because of a default consisting of the mortgagor's failure to make any required payment, tax payment or insurance premium payment, by any method authorized by this chapter until at least 35 days after the date that written notice pursuant to subsection 1-A is given by the mortgagee to the mortgagor and any cosigner against whom the mortgagee is enforcing the obligation secured by the mortgage at the last known addresses of the mortgagor and any cosigner that the mortgagor has the right to cure the default by full payment of all amounts that are due ~~without acceleration~~, including reasonable interest and late charges specified in the mortgage or note as well as reasonable attorney's fees. If the mortgagor tenders payment of the amounts before the date specified in the notice, the mortgagor is restored to all rights under the mortgage deed as though the default had not occurred. Proof of strict compliance with the notice requirements of this section is a required element of proof in the judicial action for foreclosure. Judgment must be entered against a mortgagee that fails to make such proof; such judgment is a valid final judgment against the mortgagee that prevents the foreclosing party, or any assignee of the foreclosing party, from instituting a subsequent foreclosure action on the property that is the subject of the judgment.

Sec. 2. Retroactive application. Notwithstanding any provision of law to the contrary, this Act applies retroactively to all foreclosure judgments, orders or dismissals entered in favor of a mortgagee.

SUMMARY

This bill requires a mortgagee of property that is occupied by the mortgagor to provide proof of strict compliance with the requirement that a mortgagee provide at least 35 days' notice before bringing a judicial action to foreclose on that property. Failure to provide such proof prevents the mortgagor from prevailing in the foreclosure action or from bringing a foreclosure action against that property in the future; this was the law prior to the decision of the Supreme Judicial Court in *Finch v. U.S. Bank, N.A.*, 2024 Me. 2.

The bill applies retroactively to all foreclosure judgments, orders or dismissals entered against a mortgagor.