

MAINE STATE LEGISLATURE

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L.D. 1225

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(Filing No. H-86)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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HOUSE AMENDMENT "A" to H.P. 969, L.D. 1225,
Bill, "AN ACT Relating to Attorneys Searching and
Certifying Title to Real Estate."

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Amend the bill in section 1 in that part designat-
ed "§3-311." by adding at the end the following:

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'Nothing in this section shall be construed to
require certification of title to a lender if that
lender does not so require, or to a land title insur-
ance company if that company does not so require.'

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Further amend the bill in section 2 in that part
designated "§439." by adding at the end the follow-
ing:

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'Nothing in this section shall be construed to
require certification of title to a financial insti-
tution if that institution does not so require, or to
a land title insurance company if that company does
not so require.'

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STATEMENT OF FACT

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The bill provides that the consumer's attorney
who performs a title search may also certify title.
It makes clear that the mortgage lender may choose
either to accept the attorney's certification or
instead require land title insurance.

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The purpose of this amendment is to avoid exces-
sive attorney fees by clarifying that the law does
not require certification of title. Presently, an
attorney who is an agent for a land title insurance
company does not typically certify title to the com-

HOUSE AMENDMENT "A" to H.P. 969, L.D. 1225

1 pany. If this law were interpreted as requiring cer-
2 tification in these cases, there would be increased
3 costs to the consumer.

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Filed by Rep. Brannigan of Portland
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House
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