

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1799

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H.P. 1315

House of Representatives, February 20, 1996

**An Act Concerning Notice in Foreclosure Proceedings.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TUTTLE of Sanford.  
Cosponsored by Speaker GWADOSKY of Fairfield and  
Representatives: BERRY of Livermore, BUNKER of Kossuth Township, CARR of Hermon,  
CHASE of China, CHIZMAR of Lisbon, CLARK of Millinocket, GATES of Rockport,  
JACQUES of Waterville, JONES of Pittsfield, MAYO of Bath, MITCHELL of Vassalboro,  
MORRISON of Bangor, PAUL of Sanford, SAMSON of Jay, SAXL of Portland,  
TOWNSEND of Portland, TYLER of Windham, VIGUE of Winslow, WINSOR of Norway.

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

4 **Sec. 1. 14 MRSA §6111, sub-§1**, as amended by PL 1993, c. 373,  
5 §1, is further amended to read:

6 **1. Notice; payment.** With respect to mortgages upon  
7 residential property located in this State when the mortgagor is  
8 occupying all or a portion of the property as the mortgagor's  
9 primary residence, the mortgagee may not accelerate maturity of  
10 the unpaid balance of the obligation or otherwise enforce the  
11 mortgage because of a default consisting of the mortgagor's  
12 failure to make any required payment, tax payment or insurance  
13 premium payment, by any method authorized by this chapter until  
14 at least 30 days after the date that written notice is given by  
15 the mortgagee to the mortgagor and any cosignor at the last known  
16 address addresses of the mortgagor and any cosignor that the  
17 mortgagor has the right to cure the default by full payment of  
18 all amounts that are due without acceleration, including  
19 reasonable interest and late charges specified in the mortgage or  
20 note as well as reasonable attorney's fees. If the mortgagor  
21 tenders payment of the amounts before the date specified in the  
22 notice, the mortgagor is restored to all rights under the  
23 mortgage deed as though the default had not occurred.

24 **Sec. 2. 14 MRSA §6111, sub-§3**, as enacted by PL 1991, c. 707,  
25 §1, is amended to read:

26 **3. Notice procedure.** A mortgagee gives notice to a  
27 mortgagor and any cosignor under this section by mailing the  
28 notice by certified mail, return receipt requested. If the  
29 notice is undeliverable by certified mail, the mortgagee must  
30 send the notice to the mortgagor and any cosignor by ordinary  
31 mail. The time when notice is given is the date the mortgagor or  
32 any cosignor signs the receipt or, if the notice is undeliverable  
33 by certified mail, the date the notice was sent by ordinary mail.

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37 **STATEMENT OF FACT**

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39 **40** This bill requires a mortgagee to notify a cosigner  
40 designated on a mortgage obligation prior to accelerating  
41 maturity of the unpaid balance of the obligation or otherwise  
42 enforcing the mortgage.  
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