

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

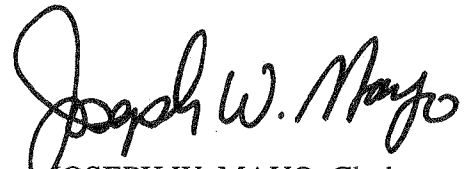
No. 763

H.P. 572

House of Representatives, February 4, 1997

An Act to Amend the Procedure for Foreclosure by Publication.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LaVERDIERE of Wilton.

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

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3 **Sec. 1. 33 MRSA §353-A, sub-§7,** as enacted by PL 1995, c. 304,
4 §2, is amended to read:

6

7. **Foreclosure by publication.** In all cases of foreclosure
of real estate mortgages by publication, a certificate of the
8 publication of foreclosure made by the mortgagee or by an officer
of the mortgagee, if the mortgagee is a corporation, or made by
10 an officer or employee of the newspaper that published the notice
recorded on or before January 1, 1990 is prima facie evidence of
12 the publication of foreclosure to the same extent as if the
certificate had in fact been made by the register of deeds and
14 recorded; certificates made by the mortgagee or by an officer of
the mortgagee, if the mortgagee is a corporation, or made by an
16 officer or employee of the newspaper that published the notice
and recorded on or before January 1, 1990 have the same force and
18 effect as if made by the register of deeds and are valid.

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SUMMARY

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The purpose of this bill is to promote the stability and
24 marketability of real estate titles by eliminating old claims for
ineffectively foreclosed mortgages by publication. Previously,
26 certificates proving publication of foreclosure required
certification by a register of deeds. This bill gives
28 certificates of publication of foreclosure made by an officer or
employee of the newspaper that published the notice the same
30 force and effect as if it were a certificate made by a register
of deeds.