

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1360

H.P. 999

House of Representatives, March 30, 2011

An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CROCKETT of Bethel.
Cosponsored by Senator HILL of York and
Representatives: BEAULIEU of Auburn, CHIPMAN of Portland, MALONEY of Augusta,
PRIEST of Brunswick, TREAT of Hallowell, WATERHOUSE of Bridgton, Senator:
LANGLEY of Hancock.

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

2 **Sec. 1. 14 MRSA §6101**, as amended by PL 1981, c. 429, §1, is further amended
3 to read:

4 **§6101. Attorney's fees**

5 For the foreclosure of a mortgage by any method authorized by this chapter, if the
6 mortgagee prevails, the mortgagee or the person claiming under ~~him~~ the mortgagee may
7 charge a reasonable attorney's fee which ~~shall be~~ is a lien on the mortgaged estate, and
8 ~~shall~~ must be included with the expense of publication, service and recording in making
9 up the sum to be tendered by the mortgagor or the person claiming under ~~him~~ the
10 mortgagor in order to be entitled to redeem, provided the sum has actually been paid in
11 full or partial discharge of an attorney's fee. If the mortgagor prevails, upon motion to the
12 court, the court may order the mortgagee to pay the mortgagor's reasonable court costs
13 and attorney's fees incurred in defending against the foreclosure.

14 **SUMMARY**

15 This bill allows a mortgagor to recover court costs and attorney's fees if the
16 mortgagor prevails in a foreclosure action.