

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 125

S.P. 46

In Senate, January 29, 2013

An Act To Preserve Lender Equity in the Foreclosure Process

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator THOMAS of Somerset.

Cosponsored by Senators: LANGLEY of Hancock, MASON of Androscoggin, SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: BLACK of Wilton, CRAY of Palmyra, JOHNSON of Greenville, KESCHL of Belgrade.

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

2 **Sec. 1. 14 MRSA §6321**, as amended by PL 2009, c. 476, Pt. B, §5 and affected
3 by §9, is further amended by adding at the end a new paragraph to read:

4 The filing fee for a foreclosure by civil action may not exceed \$150.

5 **Sec. 2. 14 MRSA §6321-A, sub-§7, ¶C**, as enacted by PL 2009, c. 402, §18, is
6 amended to read:

7 C. Notwithstanding subsection 10, establish a fee upon a foreclosure filing made on
8 or after June 15, 2009 to support mediation services to be paid for by the plaintiff,
9 except that, for a foreclosure complaint filed after October 1, 2013, a fee for
10 mediation may not be assessed unless the defendant has submitted an answer to the
11 complaint or motion for summary judgment; and

12 **Sec. 3. 14 MRSA §6321-A, sub-§9**, as enacted by PL 2009, c. 402, §18, is
13 amended to read:

14 **9. No entry of judgment.** For any foreclosure complaint filed after January 1, 2010
15 that is scheduled for mediation in accordance with this section, a final judgment may not
16 issue until a mediator's report has been completed pursuant to subsection 13. For any
17 foreclosure complaint filed after October 1, 2013, the court may enter summary judgment
18 at any time upon review of the filing.

19 **SUMMARY**

20 This bill does the following.

21 1. It reduces the filing fee for foreclosure actions from \$350, as set by administrative
22 order, to \$150.

23 2. It prohibits a fee for mediation from being assessed unless the defendant answers
24 the complaint or motion for summary judgment in a foreclosure action.

25 3. It makes clear that a court may enter summary judgment in a foreclosure action at
26 any time. Under current court rules, the court must determine that certain requirements
27 are met before entering summary judgment.