

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 580, L.D. 846, Bill, "An Act To Refine and Streamline the Foreclosure Mediation Program"

Amend the bill by striking out the title and substituting the following:

'An Act To Expedite Final Hearings in Certain Foreclosure Cases'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 14 MRSA §6321-B is enacted to read:

§6321-B. Expedited final hearing in certain foreclosure cases

1. Request. The court shall schedule an expedited final hearing pursuant to section 6322 if a plaintiff in an action brought pursuant to section 6321 files with the clerk a request for an expedited final hearing on a form prescribed by the Supreme Judicial Court indicating:

A. That mediation conducted pursuant to section 6321-A did not result in the settlement or dismissal of the action and that all of the defendants and all of the parties in interest who have appeared in the action have consented to an expedited final hearing pursuant to section 6322; or

B. That the defendant has not filed an answer to the complaint as provided by the Maine Rules of Civil Procedure and section 6321-A and that all of the parties who have filed an answer in the action have consented to an expedited final hearing.

2. Consent. The request filed under subsection 1 must be accompanied by a consent form, as prescribed by the Supreme Judicial Court, that informs defendants that they may consult with an attorney or a housing counselor before consenting to an expedited hearing.

A. For a request filed under subsection 1, paragraph A, the consent form must be signed by all of the defendants and all of the parties in interest who have appeared in the action.

COMMITTEE AMENDMENT

1 B. For a request filed under subsection 1, paragraph B, the consent form must be  
2 signed by all of the parties who have appeared in the action and all of the parties who  
3 have filed an answer in the action.

4 3. Scheduling. The court, upon receiving a request for an expedited final hearing  
5 filed in accordance with subsection 1, shall, as the interests of justice permit, set the  
6 expedited final hearing not less than 45 days after the request is filed.

7 4. Final hearing. An expedited final hearing held pursuant to this section must be  
8 conducted in accordance with section 6322 and this subsection.

9 A. Notwithstanding that a default may have been entered against the defendant by  
10 the clerk pursuant to the Maine Rules of Civil Procedure, Rule 55, the defendant may  
11 appear and defend at the expedited final hearing held pursuant to this section.

12 B. The burden of proof and legal requirements for entry of a judgment of foreclosure  
13 are the same as in other actions pursuant to section 6321, including the requirement  
14 that a judgment of foreclosure specify the priority and those amounts, if any, that may  
15 be due to the parties in interest that have appeared in the action.

16 C. After the expedited final hearing, the court shall issue a written judgment of  
17 foreclosure, dismissal with or without prejudice or judgment for the defendant as  
18 expeditiously as the interests of justice permit.'

19 **SUMMARY**

20 This amendment replaces the bill. This amendment provides a process for a plaintiff  
21 in a foreclosure by civil action to seek an expedited final hearing.

22 The request for an expedited final hearing must indicate that mediation did not result  
23 in the settlement or dismissal of the action or indicate that the defendant has not filed an  
24 answer to the complaint and all parties that have filed an answer in the action have  
25 consented. The request must be accompanied by a consent form that informs defendants  
26 that they may consult with an attorney or a housing counselor before consenting to an  
27 expedited hearing, indicates that all of the defendants and all of the parties in interest that  
28 have appeared in the action have consented to an expedited final hearing and is signed by  
29 all of the defendants and all of the parties in interest that have appeared in the action.

30 Upon receiving a properly filed request for an expedited final hearing the court must,  
31 as the interests of justice permit, set an expedited final hearing not less than 45 days after  
32 the request is filed. In the expedited hearing, notwithstanding that a default may already  
33 have been entered against the defendant, the defendant may appear and defend. The  
34 burden of proof and legal requirements for entry of a judgment of foreclosure are the  
35 same as in other foreclosure actions. After the expedited final hearing, the court must  
36 issue a written judgment of foreclosure, dismissal with or without prejudice or judgment  
37 for the defendant as expeditiously as the interests of justice permit.