

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 536

H.P. 380

House of Representatives, February 9, 2017

An Act To Protect Homeowners from Debt Collectors

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ORDWAY of Standish. (BY REQUEST)

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

2 **Sec. 1. 10 MRSA §3255, sub-§4** is enacted to read:

3 **4. Sale of owner-occupied property prohibited.** In an action to enforce a lien
4 mentioned in sections 3251 to 3254, the court may not order the sale of the property to
5 satisfy the lien if the owner of the property subject to the lien occupies the property as the
6 owner's residence.

7 **Sec. 2. 10 MRSA §3259**, as amended by PL 1981, c. 585, §4, is further amended
8 to read:

9 **§3259. Sale of property; redemption; pro rata shares**

10 If it is determined that the parties or any of them, claiming a lien, have a lien upon
11 said building and land or upon said wharf, pier, building and land, the court may decree
12 that said property, or such interest in it as is subject to the liens or any of them, ~~shall must~~
13 be sold, and shall prescribe the place, time, terms, manner and conditions of such sale,
14 except that the court may not order the sale of the property to satisfy the lien if the owner
15 of the property subject to the lien occupies the property as the owner's residence. The
16 court may order an adjournment of such sale from time to time, or the manner and
17 conditions of any adjournment of such sale may be prescribed in the decree. A deed of
18 the officer of the court, appointed to make such sale, recorded in the registry of deeds
19 where the land lies, within 3 months after the sale, ~~shall must~~ convey all the title of the
20 debtor and the owner in the property ordered to be sold. If justice requires, the court may
21 provide in the order of sale that the owner ~~shall have~~ has a right to redeem the property
22 from such sale within a time fixed in the order of sale. If the court ~~shall determine~~
23 determines that the whole of the land on which the lien exists is not necessary therefor, it
24 shall describe in the order of sale a suitable lot therefor; and only so much ~~shall may~~
25 be sold. The lienors shall share pro rata, provided their complaints or motions therefor are
26 filed with the clerk of the court in which the order of sale is granted prior to the order of
27 sale and within the time mentioned in sections 3255, 3256 and 3257. The court may
28 make such decree in regard to costs as is equitable.

29 **SUMMARY**

30 This bill prohibits a court from ordering a sale of property to satisfy a lien on the
31 property if the owner of the property occupies the property as the owner's residence.