

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 907

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H.P. 671

House of Representatives, February 19, 2019

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### **An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative DAUGHTRY of Brunswick.  
Cosponsored by Representatives: ACKLEY of Monmouth, BEEBE-CENTER of Rockland,  
EVANGELOS of Friendship, McCREIGHT of Harpswell, MOONEN of Portland, TEPLER of  
Topsham, TERRY of Gorham, TIPPING of Orono.

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

2 **Sec. 1. 14 MRSA §6111, sub-§3**, as amended by PL 1997, c. 579, §2, is further  
3 amended to read:

4 **3. Notice procedure.** A mortgagee shall provide notice to a mortgagor and any  
5 cosigner under this section to the last known addresses of the mortgagor and cosigner by  
6 both:

7 A. Certified mail, return receipt requested. ~~For the purposes of this paragraph, the~~  
8 ~~time when the notice is given to the mortgagor or cosigner is the date the mortgagor~~  
9 ~~or cosigner signs the receipt or, if the notice is undeliverable, the date the post office~~  
10 ~~last attempts to deliver it; or and~~

11 B. Ordinary first class mail, postage prepaid. ~~For the purposes of this paragraph, the~~  
12 ~~time when the notice is given to the mortgagor or cosigner is the date when the~~  
13 ~~mortgagor or cosigner receives that notice. A post office department certificate of~~  
14 ~~mailing to the mortgagor or cosigner is conclusive proof of receipt on the 3rd~~  
15 ~~calendar day after mailing.~~

16 For purposes of this subsection, the time when the notice is given to the mortgagor or  
17 cosigner is the sooner of the date the mortgagor or cosigner signs the receipt or, if the  
18 notice is undeliverable, the date the post office last attempts to deliver it under paragraph  
19 A and the date the mortgagor or cosigner receives the notice under paragraph B. A post  
20 office department certificate of mailing to the mortgagor or cosigner is conclusive proof  
21 of receipt on the 7th calendar day after mailing notice as provided under paragraph B.

22 **SUMMARY**

23 This bill requires a mortgagee to send a mortgagor in a foreclosure action the right to  
24 cure notice by both certified mail, return receipt requested, and ordinary mail.

25 The time the notice is given to the mortgagor or cosigner is the sooner of:

26 1. The date the mortgagor or cosigner signs the receipt or, if the notice is  
27 undeliverable, the date the post office last attempts to deliver it, under the Maine Revised  
28 Statutes, Title 14, section 6111, subsection 3, paragraph A; and

29 2. The date the mortgagor or cosigner receives the notice under Title 14, section  
30 6111, subsection 3, paragraph B. A post office department certificate of mailing to the  
31 mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing  
32 when notice is provided under Title 14, section 6111, subsection 3, paragraph B.