

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

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Legislative Document

No. 1015

H.P. 651

House of Representatives, March 7, 2023

**Resolve, Establishing the Commission to Study the Foreclosure
Process**

Reference to the Joint Select Committee on Housing suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative DUCHARME of Madison.
Cosponsored by Senator POULIOT of Kennebec and
Representatives: BLIER of Buxton, CARMICHAEL of Greenbush, GERE of Kennebunkport,
MORRIS of Turner, PERKINS of Dover-Foxcroft, POLEWARCZYK of Wiscasset, SACHS
of Freeport.

1 **Sec. 1. Commission established. Resolved:** That the Commission to Study the
2 Foreclosure Process, referred to in this resolve as "the commission," is established.

3 **Sec. 2. Commission membership. Resolved:** That the commission consists of
4 7 members appointed as follows:

5 1. Two members of the Senate appointed by the President of the Senate, including a
6 member from each of the 2 parties holding the largest number of seats in the Legislature,
7 with preference given to members of the Joint Select Committee on Housing;

8 2. Two members of the House of Representatives appointed by the Speaker of the
9 House, including a member from each of the 2 parties holding the largest number of seats
10 in the Legislature, with preference given to members of the Joint Select Committee on
11 Housing;

12 3. One member representing a credit union, appointed by the President of the Senate;

13 4. One member representing the Maine Bankers Association, appointed by the Speaker
14 of the House; and

15 5. The Director of the Maine State Housing Authority, or the director's designee.

16 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
17 and the first-named House of Representatives member is the House chair of the
18 commission.

19 **Sec. 4. Appointments; convening of commission. Resolved:** That all
20 appointments must be made no later than 30 days following the effective date of this
21 resolve. The appointing authorities shall notify the Executive Director of the Legislative
22 Council once all appointments have been completed. After appointment of all members,
23 the chairs shall call and convene the first meeting of the commission. If 30 days or more
24 after the effective date of this resolve a majority of but not all appointments have been
25 made, the chairs may request authority and the Legislative Council may grant authority for
26 the commission to meet and conduct its business.

27 **Sec. 5. Duties. Resolved:** That in conducting the study the commission shall
28 consider:

29 1. The laws and state agency rules governing the foreclosure process, the various
30 timelines of specific procedures in the foreclosure process and how those timelines affect
31 the availability of foreclosed properties for affordable housing;

32 2. The effect on the foreclosure process of mortgages sold in the secondary mortgage
33 market by large financial institutions and the ability of small financial institutions in the
34 State to work to keep property owners out of foreclosure and to make foreclosed property
35 available for sale quickly; and

36 3. How problems in the foreclosure process can be mitigated without losing existing
37 consumer protections.

38 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
39 necessary staffing services to the commission, except that Legislative Council staff support
40 is not authorized when the Legislature is in regular or special session.

