

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

**CHAPTER 362**  
**H.P. 695 - L.D. 940**

**An Act To Increase the  
Number of Franklin County  
Commissioners**

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

**Sec. 1. 30-A MRSA §66-B, sub-§4**, as enacted by PL 2013, c. 270, Pt. C, §2, is repealed.

**Sec. 2. 30-A MRSA §66-B, sub-§4-A** is enacted to read:

**4-A. Creation of Franklin County Commissioner Districts.** Franklin County is divided into the following districts.

A. Until the first election held after the 2021 redistricting conducted in accordance with the Constitution of Maine, Article IX, Section 25, Franklin County is divided into 3 districts.

(1) Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carthage, Jay, South Franklin, Temple and Wilton. The term of office of the commissioner from this district expires in 2020 and then in 2022.

(2) Commissioner District Number 2, in the County of Franklin, consists of the minor civil divisions of Chesterville, Farmington and New Sharon. The term of office of the commissioner from this district expires in 2020 and then in 2022.

(3) Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Coplin, Dallas, East Central Franklin, Eustis, Industry, Kingfield, New Vineyard, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, Strong, Weld, West Central Franklin and Wyman Township. The term of office of the commissioner from this district expires in 2022.

B. For purposes of the reapportionment and redistricting conducted in accordance with the Constitution of Maine, Article IX, Section 25, Franklin County is divided into 5 districts. The redistricting must reflect 5 commissioner districts for Franklin County and in addition must align as closely as practicable with the following:

(1) Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Temple, Wilton and the portion of Farming-

ton located on the west side of the Sandy River. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(2) Commissioner District Number 2, in the County of Franklin, consists of the portion of Farmington located on the east side of the Sandy River. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(3) Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carthage, Coplin, Eustis, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, South Franklin, Strong, Weld and West Central Franklin. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

(4) Commissioner District Number 4, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carrabassett Valley, Dallas, East Central Franklin, Industry, Kingfield, New Sharon, New Vineyard and Wyman Township. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

(5) Commissioner District Number 5, in the County of Franklin, consists of the minor civil divisions of Chesterville and Jay. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

**Sec. 3. Referendum; effective date.** This Act takes effect 90 days after its approval only for the purpose of permitting its submission by the county commissioners of Franklin to the legal voters of the county by ballot at the next general election to be held in November. The method of voting and the conduct of the referendum are governed by the Maine Revised Statutes, Title 21-A, and the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A in the same manner as the county commissioners are required to do in the case of a county bond referendum election held pursuant to Title 30-A, section 938. The subject matter of this Act must be reduced to the following question:

"Do you favor increasing the number of Franklin County commissioner districts from 3 to 5 and staggering the terms of the 5 county commissioners following redistricting conducted pursuant to the Maine Constitution in 2021?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by a majority of the legal voters casting ballots at the general election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the county for Governor at the last gubernatorial election.

The result of a referendum must be declared by the county commissioners or county administrators and due certificate filed with the Secretary of State within 10 days after the date of the election.

This Act takes effect for all purposes upon approval of the referendum held in accordance with this section.

Effective pending referendum.

**CHAPTER 363  
S.P. 415 - L.D. 1327**

**An Act To Require Residential  
Mortgage Loan Servicers To  
Act in Good Faith in Dealings  
with Homeowners**

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

**Sec. 1. 14 MRSA §6113** is enacted to read:

**§6113. Mortgage servicer duty of good faith**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

B. Except as provided in subsection 5, "mortgage servicer" means a person that is responsible for:

- (1) Receiving scheduled periodic payments from an obligor pursuant to the terms of a mortgage described in section 6111, subsection 1, including amounts for escrow accounts;
- (2) Making or advancing payments to the owner of the loan or other 3rd parties with respect to the amounts received from the obligor pursuant to a loan servicing contract; and
- (3) Evaluating obligors for loss mitigation or loan modification options.

C. "Obligation" means a debt or other duty or liability of an obligor secured by a mortgage of the type described in section 6111, subsection 1.

D. "Obligor" means a person that:

- (1) Owes payment or performance of an obligation;
- (2) Has provided property other than the mortgaged property to secure payment of the obligation;
- (3) Has granted a mortgage interest with respect to the mortgaged property; or
- (4) Is otherwise accountable in whole or in part for payment of the obligation.

E. Except as provided in subsection 5, "servicer" means a person responsible for servicing an obligation, including a person that holds or owns an obligation or originates a mortgage loan if the person also services the obligation.

F. "Servicing" means any combination of the following:

- (1) Receiving a periodic payment from an obligor under the terms of an obligation, including an amount received for an escrow account;
- (2) Making or advancing payments to the owner of an obligation on account of an amount due from the obligor under a mortgage servicing loan document or a servicing contract;
- (3) Making a payment to the obligor under a home equity conversion mortgage or reverse mortgage;
- (4) Evaluating the obligor for loss mitigation or communicating with the obligor with respect to loss mitigation;
- (5) Collecting funds from a homeowner for deposit into an escrow account and making payments out of an escrow account; and
- (6) Taking any other action with respect to an obligation that affects the obligor's payment or performance of the obligation or that relates to the enforcement of the obligation.

**2. Duty of good faith.** A mortgage servicer shall act in good faith toward an obligor in the servicing of an obligation secured by a mortgage and in any foreclosure action relating to such an obligation.

**3. Effect of violation during foreclosure.** If during a foreclosure action a servicer controlling or managing the action on its own behalf or on behalf of the owner of the obligation subject to foreclosure is shown to have committed a violation of its duty of good faith under subsection 2, the court may dismiss the action, stay the action on appropriate terms and conditions or impose other appropriate sanctions until the violation is cured.