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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 671, L.D. 907, Bill, “An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification”

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

'Sec. 1. 14 MRSA §6111, sub-§2-A is enacted to read:

2-A. Notice procedure. Notice by a mortgagee is governed by this subsection.

A. A mortgagee shall provide notice to a mortgagor and any cosigner under this section to the last known addresses of the mortgagor and cosigner by both:

(1) Certified mail, return receipt requested; and

(2) Ordinary first-class mail, postage prepaid.

B. For purposes of this subsection, the time when the notice is given to the mortgagor or cosigner is the sooner of:

(1) The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it under paragraph A, subparagraph (1); and

(2) The date the mortgagor or cosigner receives the notice under paragraph A, subparagraph (2).

A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing notice as provided under paragraph A, subparagraph (2).

Sec. 2. 14 MRSA §6111, sub-§3, as amended by PL 1997, c. 579, §2, is repealed.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

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This amendment restructures the subsection governing notice by a mortgagee to clarify that the date of notice is the date of the delivery or attempted delivery of the notice by certified mail or the date of receipt by ordinary first-class mail, whichever is sooner.

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