



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

---

Legislative Document

No. 1444

S.P. 585

In Senate, April 3, 2025

### **An Act to Prevent Foreclosures Without Strict Compliance with Notice Requirements**

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.  
Cosponsored by Representative MOONEN of Portland and  
Senators: PIERCE of Cumberland, RENY of Lincoln, ROTUNDO of Androscoggin,  
Representatives: BELL of Yarmouth, Speaker FECTEAU of Biddeford, GATTINE of  
Westbrook, KUHN of Falmouth.

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

2 **Sec. 1. 14 MRSA §6111, sub-§1**, as amended by PL 2009, c. 402, §10, is further  
3 amended to read:

4 **1. Notice; payment.** With respect to mortgages upon residential property located in  
5 this State when the mortgagor is occupying all or a portion of the property as the  
6 mortgagor's primary residence and the mortgage secures a loan for personal, family or  
7 household use, the mortgagee may not ~~accelerate maturity of the unpaid balance of the~~  
8 ~~obligation or otherwise~~ enforce the mortgage in a judicial action for foreclosure because of  
9 a default consisting of the mortgagor's failure to make any required payment, tax payment  
10 or insurance premium payment, by any method authorized by this chapter until at least 35  
11 days after the date that written notice pursuant to subsection 1-A is given by the mortgagee  
12 to the mortgagor and any cosigner against whom the mortgagee is enforcing the obligation  
13 secured by the mortgage at the last known addresses of the mortgagor and any cosigner  
14 that the mortgagor has the right to cure the default by full payment of all amounts that are  
15 due ~~without acceleration~~, including reasonable interest and late charges specified in the  
16 mortgage or note as well as reasonable attorney's fees. If the mortgagor tenders payment  
17 of the amounts before the date specified in the notice, the mortgagor is restored to all rights  
18 under the mortgage deed as though the default had not occurred. Proof of strict compliance  
19 with the notice requirements of this section is a required element of proof in the judicial  
20 action for foreclosure. Judgment must be entered against a mortgagee that fails to make  
21 such proof; such judgment is a valid final judgment against the mortgagee that prevents the  
22 foreclosing party, or any assignee of the foreclosing party, from instituting a subsequent  
23 foreclosure action on the property that is the subject of the judgment.

24 **Sec. 2. Retroactive application.** Notwithstanding any provision of law to the  
25 contrary, this Act applies retroactively to all foreclosure judgments, orders or dismissals  
26 entered in favor of a mortgagee.

## 27 SUMMARY

28 This bill requires a mortgagee of property that is occupied by the mortgagor to provide  
29 proof of strict compliance with the requirement that a mortgagee provide at least 35 days'  
30 notice before bringing a judicial action to foreclose on that property. Failure to provide  
31 such proof prevents the mortgagor from prevailing in the foreclosure action or from  
32 bringing a foreclosure action against that property in the future; this was the law prior to  
33 the decision of the Supreme Judicial Court in *Finch v. U.S. Bank, N.A.*, 2024 Me. 2.

34 The bill applies retroactively to all foreclosure judgments, orders or dismissals entered  
35 against a mortgagor.