

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve the Home Foreclosure Process

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

Sec. 1. 14 MRSA §6321, as amended by PL 2007, c. 391, §9, is further amended by adding after the 3rd paragraph a new paragraph to read:

When the complaint is served on the mortgagor, the mortgagor answer form described in section 6321-A must be included on the top of the complaint and any accompanying documents. An envelope addressed to the court of jurisdiction within which the mortgagor may return the form to the court must be included. The mortgagor's return of the form to the court is considered an answer to the complaint. The mortgagee commencing the foreclosure action shall provide the form and the addressed envelope.

Sec. 2. 14 MRSA §6321-A is enacted to read:

§ 6321-A. Mortgagor answer form

1. Development of form. The Supreme Judicial Court shall develop a mortgagor answer form that may be used as an answer to a foreclosure complaint.

2. Understandable; contents. The form must be written in language that is plain and readily understandable by the general public. It must contain the following:

A. A statement that failure to answer the complaint will result in foreclosure of the property subject to the mortgage;

B. An explanation that the debtor may fill out the form and return it to the court in the envelope provided as the answer to the complaint. If the debtor returns the form to the court, the debtor does not need to file a more formal answer or responsive pleading;

C. The affirmative defenses that a debtor may raise in a foreclosure action. The affirmative defenses must be provided in a check-off format, with a simple explanation of each defense; and

D. An opportunity to request mediation provided in a check-off format, if mediation is available. The form must include a description of the mediation that may be available.

3. Availability of form online. The judicial branch and the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall post the form on their publicly accessible websites.

SUMMARY

This bill requires that a mortgagee who is initiating a foreclosure action in Superior Court or District Court must include a mortgagor answer form in the documents that are served on the mortgagor with the

complaint. The mortgagor answer form must be placed on top of the documents and may serve as the mortgagor's answer to the foreclosure complaint. The form must be readily understandable and provide explanations and affirmative defenses in a check-off format for the mortgagor to complete. It must also provide an opportunity for the mortgagor to request mediation, if mediation is available.

The Supreme Judicial Court shall develop the form. Both the judicial branch and the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall post the form on their publicly accessible websites.