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**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 585, L.D. 1444, “An Act to Prevent Foreclosures Without Strict Compliance with Notice Requirements”

Amend the bill in section 1 in subsection 1 in the last line (page 1, line 23 in L.D.) by inserting after the following: "judgment" the following: 'except as provided in subsection 1-B'

Amend the bill by striking out all of section 2 and inserting the following:

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

**1-B. Subsequent foreclosure.** A subsequent foreclosure action may be based only upon a default of the mortgage that occurred after the entry of foreclosure judgment in favor of the mortgagor and may not seek recovery of any sums due prior to the entry of the foreclosure judgment, including, but not limited to, payments due on principal, interest, property taxes and insurance required by the mortgage. In addition, in a subsequent foreclosure action, the foreclosing party is not entitled to seek recovery of fees, including attorney's fees, or any other costs associated with the prosecution of the foreclosure action that resulted in a dismissal or judgment in favor of the defendant. A violation of this subsection prevents the foreclosing party, or any assignee of the foreclosing party, from instituting a subsequent foreclosure action on the mortgage that is the subject of the foreclosure action.

**Sec. 3. Retroactive application.** The holding in the case of *Finch v. U.S. Bank, N.A.*, 2024 Me. 2 may not be applied retroactively, except in cases in which a final judgment as to the issue of its retroactive application has been entered prior to the effective date of this Act.

**Sec. 4. Rulemaking.** The judicial branch shall adopt rules to implement this Act.'

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

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### **SUMMARY**

This amendment clarifies that a subsequent foreclosure action may be based only upon a default of the mortgage that occurred after the entry of foreclosure judgment in favor of the mortgagor and may not seek recovery of any sums due prior to the entry of the foreclosure judgment. The amendment also clarifies the retroactive application of the provisions of the bill. Finally, the amendment directs the judicial branch to adopt rules implementing the changes to the foreclosure process.