

PROPOSED COMMITTEE AMENDMENT to LD 1389
Based on recommendations of Attorney General Janet T. Mills

peace against any person. The company shall inventory any unsecured items removed from the dwelling and immediately notify the appropriate consumer that the dwelling will be made available in a manner convenient to the consumer. The company shall make a permanent record of all steps taken to preserve and secure the dwelling and shall make that record available to the consumer upon written request. The administrator shall adopt rules to implement this subsection, including a definition of "residential real estate property preservation company." Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

J-B. amendment

PART G

Sec. G-1. 14 MRSA §6321-A, sub-§7, ¶A is amended to read:

A. Assign mediators, including active retired justices and judges pursuant to Title 4, sections 104 and 157-B, who:

- (1) Are trained in mediation and all relevant aspects of the law related to real estate, mortgage procedures, foreclosure or foreclosure prevention;
- (2) Have knowledge of community-based resources that are available in the judicial districts in which they serve;
- (3) Have knowledge of mortgage assistance programs; and
- (4) Are trained in using the relevant Federal Deposit Insurance Corporation forms and worksheets-;



Knowledgeable

delete

(5) Are ~~trained~~ knowledgeable in principal loss mitigation guidelines and regulations, including the federal Home Affordable Modification Program guidelines and directives developed by the United States Department of the Treasury, single-family servicing guides developed by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation or a successor organization, loss mitigation regulations and loss mitigation guidelines developed by the United States Department of Housing and Urban Development, the Federal Housing Administration, the United States Department of Agriculture and the United States Department of Veterans Affairs and the requirements of court-ordered settlements related to mortgage servicing, including but not limited to the National Mortgage Settlement in the matter of United States of America et al v. Bank of America Corp. et al, case 1:12-cv-00361 in the United States District Court for the District of Columbia; and

Judicial Branch

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(6) Are capable of facilitating and likely to facilitate identification of and compliance with principal loss mitigation guidelines and regulations set forth in subparagraph (5).

The court may establish a training program for mediators and require that mediators receive such training prior to being appointed;

Sec. G-2. 14 MRSA §6321-A, sub-§13, as amended by PL 2009, c. 476, Pt. B, §7 and affected by §9, is further amended to read:

13. Report. A mediator must complete a report for each mediation conducted under this section. The mediator's report must indicate in a manner as determined by the court that the parties completed in full the Net Present Value Worksheet in the Federal Deposit Insurance Corporation Loan Modification Program Guide. If the mediation did not result in the settlement or dismissal of the action, the report must include the outcomes of the Net Present Value Worksheet. As part of the report, the mediator may notify the court if, in the mediator's opinion, either party failed to negotiate in good faith. The mediator's report must also include:

We do already see form 5+5-A { A. A statement of all agreements reached at mediation, with sufficient specificity to put all parties on notice of their obligations under agreements reached at mediation, including but not limited to a description of all documents that must be completed and provided pursuant to the agreements reached at mediation and the time frame during which all actions are required to be taken by the parties, including decisions and determinations of eligibility for all loss mitigation options; and

delete { ~~B. A statement as to whether each party complied with requirements set forth in subsection 12 and the promises and commitments made and other agreements reached at mediation. In the event of noncompliance, the mediator's report must specifically set forth the manner in which the parties have failed to comply.~~