## MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1993

Legislative Document

No. 491

H.P. 378

House of Representatives, February 16, 1993

An Act to Amend the Laws Governing Condominiums.

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach. Cosponsored by Representatives: CARON of Biddeford, DUTREMBLE of Biddeford, MARTIN of Eagle Lake, Senator: BERUBE of Androscoggin.

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

Sec. 1. 33 MRSA \$1603-116, sub-\$(b), as repealed and replaced by PL 1983, c. 816, Pt. A, \$40, is amended to read:

(b) A lien under this section is prior to all other liens and encumbrances on a unit except: (1) Liens and encumbrances recorded before the recordation of the declaration; (2) A first mortgage recorded before or after the date on which the assessment sought to be enforced becomes delinquent; and (3) Liens for real estate taxes and other governmental assessments or charges against the unit. This lien is also prior to a mortgage described in paragraph (2) to the extent of the common expense assessments based on the budget adopted under section 1603-115 that would have become due in the absence of acceleration during the 6 months immediately preceding institution of an action to enforce the lien and to the extent of any costs and reasonable attorney's fees incurred in the action to enforce the lien. This subsection does not affect the priority of mechanics' or the priority of liens materialmen's liens, for other or assessments made by the association. The lien under this section is not subject to the provisions of Title 14, section 4651 and Title 18-A, Part 2, as they or their equivalents may be amended or modified from time to time.

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#### STATEMENT OF FACT

This bill permits a lien by a condominium association against a condominium unit for common expenses, attorney's fees and enforcement costs to take priority over a first mortgage to the extent of 6 months' assessments immediately preceding institution of the action to enforce the lien.