

MAINE STATE LEGISLATURE

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R. 6.9.

L.D. 1332

Date: 6/1/11

Majority

(Filing No. H-453)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 978, L.D. 1332, Bill, "An Act To Amend the Maine Condominium Act"

Amend the bill in section 1 in subsection (19-A) in the 4th line (page 1, line 6 in L.D.) by striking out the following: "and the association's costs and reasonable attorney's fees incurred in enforcing the lien"

Amend the bill in section 8 by striking out all of subsection (i) (page 2, lines 32 to 37 and page 3, lines 1 and 2 in L.D.) and inserting the following:

'(i) Notwithstanding subsection (b), paragraph (2), a lien under this section securing priority amounts is prior to a first mortgage entered into on or after the effective date of this subsection. The association's failure to send notice to the first mortgagee either that the unit owner is delinquent by 60 days in the payment of common expenses or that the association intends to file an action to enforce the lien within 30 days does not affect the priority of the lien securing the 6 months of regular assessments, but failure to send at least one notice means that the association is not entitled to receive any costs or attorney's fees incurred in an action to enforce the lien. The full payment of the priority amounts discharges the lien under this subsection.'

Amend the bill in section 9 by striking out all of subsection (j) (page 3, lines 4 to 6 in L.D.) and inserting the following:

'(j) Assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of a condominium unit pursuant to Title 14, section 6323.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment revises the definition in the bill of "priority amounts" that can be collected through a priority lien on a condominium by deleting the inclusion of the condominium association's costs and reasonable attorney's fees in enforcing the lien. As does the bill, this amendment provides that a lien securing priority amounts is prior to a

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COMMITTEE AMENDMENT "A" to H.P. 978, L.D. 1332

1 first mortgage, but the amendment limits the lien to those entered into on or after the
2 effective date of this legislation. The amendment corrects a cross-reference in the
3 language providing that full payment of the priority amounts discharges the priority lien.

4 This amendment provides that assessments for common expenses accrue, free from
5 the lien of a foreclosing first mortgagee, from and after the date of sale of the
6 condominium unit. The bill states the starting time is the initial date set for public sale.