

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 657

H.P. 426

House of Representatives, February 16, 2023

**An Act to Amend the Percentage of Votes Needed for an
Amendment of a Declaration in the Maine Condominium Act**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

Cosponsored by Representatives: ARATA of New Gloucester, DOUDERA of Camden.

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

2 **Sec. 1. 33 MRSA §1602-117, sub-§(d)**, as enacted by PL 1981, c. 699, is amended
3 to read:

4 (d) Except to the extent expressly permitted or required by other provisions of this Act,
5 ~~no~~ an amendment may not create or increase special declarant rights, increase the number
6 of units; or change the boundaries of any unit, the allocated interests of a unit; or the uses
7 to which any unit is restricted, in the absence of ~~unanimous consent of the unit owners.~~

8 (1) A vote or agreement of at least 90% of the number of possible votes in the
9 association, other than those held by the declarant, or a larger percentage as may be
10 provided for in the declaration; and

11 (2) A unanimous vote of all of the units particularly and uniquely affected by the
12 amendment.

13 For purposes of this subsection, "uses to which any unit is restricted" applies to land
14 use classifications, such as residential, commercial, industrial, single-family and
15 multifamily, and does not apply to activities that can occur in a unit, such as smoking,
16 keeping pets, making noise and renting.

17 **SUMMARY**

18 This bill changes the voting requirements under the Maine Condominium Act to amend
19 a declaration to create or increase special declarant rights, increase the number of units or
20 change the boundaries of any unit, the allocated interests of a unit or the uses to which any
21 unit is restricted.