## MAINE STATE LEGISLATURE

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## 131st MAINE LEGISLATURE

## **FIRST SPECIAL SESSION-2023**

**Legislative Document** 

No. 1662

S.P. 667

In Senate, April 13, 2023

Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator LAWRENCE of York.

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the State has no laws regulating noncondominium community associations; and

Whereas, an increasing number of housing developments in the State are structured as noncondominium community associations; and

**Whereas,** at least 8 states, including Vermont and Connecticut, have codified laws relating to community associations by adopting the Uniform Common Interest Ownership Act recommended by the Uniform Law Commission; and

**Whereas,** this resolve establishes the Commission to Study the Need to Codify or Recodify Laws Regarding Noncondominium Community Associations; and

**Whereas,** the commission's study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

- **Sec. 1. Commission established. Resolved:** That the Commission to Study the Need to Codify or Recodify Laws Regarding Noncondominium Community Associations, referred to in this resolve as "the commission," is established.
- **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 10 members appointed as follows:
- 1. Five members of the Maine State Bar Association, including 2 members with a substantial practice in condominium or community association law, appointed by the Chief Justice of the Supreme Judicial Court;
- 2. One member representing the State's lending community, appointed by the chairs of the Joint Standing Committee on Judiciary;
- 3. One member representing the State's realtor community, appointed by the chairs of the Joint Standing Committee on Judiciary;
- 4. One member representing the real estate development community, appointed by the Governor; and
- 5. Two members representing unit owners or homeowners in community associations in the State, appointed by the Governor.

The commission and the terms of its members expire upon adjournment of the Second Regular Session of the 131st Legislature. In the event of the death or resignation of a member, the appointing authority shall appoint a qualified person for the remainder of the term.

**Sec. 3. Chairs. Resolved:** That, notwithstanding Joint Rule 353, the first-named member from the Maine State Bar Association shall serve as chair of the commission.

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business. The commission may conduct its meetings by remote participation.

## **Sec. 5. Duties. Resolved:** That the commission shall:

- 1. Review data on existing condominium and noncondominium community associations in the State;
- 2. Review state statutes that govern and case law that affects noncondominium community association developments in the State;
- 3. Review efforts in other states to address problems with community associations; and
- 4. Consider the adoption of the Uniform Common Interest Ownership Act and other laws to determine whether that act or other legislation may be suitable for adoption in this State.
- **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.
- **Sec. 7. Report. Resolved:** That, no later than December 6, 2023, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may submit legislation related to the report to the Second Regular Session of the 131st Legislature.
- **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

31 SUMMARY

This resolve establishes the Commission to Study the Need to Codify or Recodify Laws Regarding Noncondominium Community Associations. The 10-member commission is directed to review data on existing condominium and noncondominium community associations in the State, review state statutes that govern and case law that affects noncondominium community association developments, review efforts in other states to address problems with community associations and consider the adoption of uniform and other laws. The commission is required to submit a report to the Joint Standing Committee on Judiciary, which may submit legislation to the Second Regular Session of the 131st Legislature.