

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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LAWRENCE of York.

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

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

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

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

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

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

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

19 **Sec. 1. Commission established. Resolved:** That the Commission to Study the
20 Need to Codify or Recodify Laws Regarding Noncondominium Community Associations,
21 referred to in this resolve as "the commission," is established.

22 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
23 353, the commission consists of 10 members appointed as follows:

24 1. Five members of the Maine State Bar Association, including 2 members with a
25 substantial practice in condominium or community association law, appointed by the Chief
26 Justice of the Supreme Judicial Court;

27 2. One member representing the State's lending community, appointed by the chairs
28 of the Joint Standing Committee on Judiciary;

29 3. One member representing the State's realtor community, appointed by the chairs of
30 the Joint Standing Committee on Judiciary;

31 4. One member representing the real estate development community, appointed by the
32 Governor; and

33 5. Two members representing unit owners or homeowners in community associations
34 in the State, appointed by the Governor.

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

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

