

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 78

H.P. 251 - L.D. 301

AN ACT to Correct Certain Errors in the Maine Condominium Act.

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

Whereas, the 90-day period may not terminate until substantially after the effective date of the Maine Condominium Act on January 1, 1983, for passage of the bulk of the real estate construction and sales season; and

Whereas, this may substantially disrupt the recovery of the real estate market; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSa §1601-102, sub-§(b), as enacted by PL 1981, c. 699, is amended to read:

(b) The provisions of sections 560 through 587 do not apply to condominiums created after the effective date of this Act or amended pursuant to subsection (a) so as to be subject to the provisions of this Act and do not invalidate any amendment to declarations, bylaws, floor plans, surveys or duly adopted administrative rules and regulations relating to any condominium created before the effective date of this Act if the amendment would be permitted by this Act. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by sections 560 through 587. If the amendment grants to any person any rights, powers or privileges permitted by this Act, all correlative obligations, liabilities and restrictions in this Act also apply to that person.

Sec. 2. 33 MRSa §1603-103, sub-§§(d) and (f), as enacted by PL 1981, c. 699, are amended to read:

(d) The declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by him may appoint and remove the officers and members of the executive board. Any period of declarant control extends from the date of the first conveyance of a unit to a person other than a declarant for a period not exceeding 7 years in the case of a condominium in which the declarant has reserved development rights, or 5 years in the case of any other condominium. Regardless of the period provided in the declaration, a period of declarant control terminates no later than 60 days after conveyance of units having 75% of the voting rights units to unit owners other than a declarant. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event he may require, for the duration of the period of declarant control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Within the above limits, the period of declarant control shall end no earlier than the later of: (1) Conveyance by the declarant of units having 50% of the voting rights units; (2) Termination of any right of declarant to appoint officers or members of the executive board; or (3) Termination of any right of declarant to approve or veto any actions of the association or the executive board.

(f) In determining whether the period of declarant control has terminated under subsection (e) (d), the percentage of the units conveyed is presumed to be that percentage which would have been conveyed if all the units the declarant has built or reserved the right to build in the declaration were included in the condominium.

Sec. 3. 33 MRSA §1603-116, sub-§(b), as enacted by PL 1981, c. 699, 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 subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. The lien under this section is not subject to the provisions of Title 14, section 4561 4651 and Title

18-A, section 2-201 et seq., as they or their equivalents may be amended or modified from time to time.

Sec. 4. 33 MRSA §1604-104, sub-§(5), as enacted by PL 1981, c. 699, is amended to read:

(5) A statement of the maximum extent to which each unit's allocated interests may be changed by the exercise of any development right described in subsection {3} (4);

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 24, 1983.

CHAPTER 79

H.P. 100 - L.D. 107

AN ACT Concerning Part-time Licenses under the Liquor Statutes.

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

Sec. 1. 28 MRSA §201, as amended by PL 1977, c. 23, §2, is further amended to read:

§201. Eligibility

No license shall may be issued to any natural person unless such person is at least 20 years of age and is a citizen of the United States and of this State. A part-time ~~or 6 months~~ license, as authorized by law, may be issued to any natural person who is at least 20 years of age and is a citizen of the United States. No license shall may be issued to a partnership or to an association unless all persons having an interest therein are at least 20 years of age and are citizens of the United States and of this State. A part-time ~~or 6 months~~ license, as authorized by law, may be issued to a partnership or association if all persons having an interest therein are at least 20 years of age and are citizens of the United States. No license shall may be issued to any corporation unless it shall be incorporated under the laws of this State or authorized to transact business in this State. No license shall may be issued to a corporation any of the principal officers of which would not personally be eligible for a liquor license because such officer had had a license for sale of