

**Commission to Study the Need to Codify or Recodify Laws Regarding
Residential Community Ownership Associations by Adopting the
Uniform Common Interest Ownership Act**

Resolve 2025, chapter 167

Wednesday, Sept. 30, 2026 at 1 p.m.

Room 206 (HED Committee Room)

Burton M. Cross State Office Building, Augusta, ME

Agenda: Meeting #1

1:00 pm

Welcome

Chairs, Senator Chip Curry & Representative Marc Malon

Extended commission member introductions (the seat the member represents, what member hopes to achieve/learn from commission)

Discussion of commission rules of procedures

Chairs, Senator Chip Curry & Representative Marc Malon

1:20 pm

Review of Resolve 2025, chapter 167 (authorizing legislation)

Brief overview of study commission format

Brief overview of Freedom of Access Act (FOAA)

Lynne Westphal and Steve Langlin, Legislative Analysts, Office of Policy and Legal Analysis

1:30 p.m.

Overview of common interest ownership landscape (Maine law; description of types of common interest ownership; data of common interest ownership types; case law that supplements applicable statutory law; discussion of short-term rentals and common interest ownership)

Joe Carlton and Rebecca Shiland, Commission members

3 p.m.

Overview of Uniform Common Interest Ownership Act

Jane Sternecky, Legislative Council, Uniform Law Commission

Carl Lisman, Former President, Uniform Law Commission

4:00 p.m.

Commission member discussion & next steps

- Additional information that members would find helpful
- Information requests
- Next meeting date

**Commission to Study the Need to Codify or Recodify Laws Regarding
Residential Community Ownership Associations by Adopting
The Uniform Common Interest Ownership Act
Resolve 2026, c. 167**

Membership List

Name	Representation
Senator Chip Curry – Chair	Member of the Senate including one member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate
Representative Marc Malon – Chair	Member of the House including one member from each of the parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House
Senator David G. Haggan	Member of the Senate from the party holding the 2nd largest number of seats in the Legislature, appointed by the President of the Senate
Representative Amanda Collamore	Member of the House from the party holding the 2nd largest number of seats in the Legislature, appointed by the Speaker of the House
Representative David Sinclair	Member of the House including one member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House
Joseph Carleton	Member of the Maine State Bar Association with substantial practice in condominium or community ownership association law
Tanya Emery	Member representing municipalities in the State
Emily McConnell	Member representing the real estate development community
Jennifer Corbett	Member representing the State's lending community
Katherine Tracy Scamman	Member representing condominium owners or homeowners in community ownership associations in the State
Rebecca Shiland	Member of the Maine State Bar Association with a substantial practice in condominium or community ownership association law who represents the New England Chapter of the Community Associations Institute
Stephen L. Sepinuck	Member of the Commission on Uniform State Laws, as established by Maine revised Statute, Title 5

MODEL PROCEDURES

COMMISSION TO STUDY THE NEED TO CODIFY OR RECODIFY LAWS REGARDING RESIDENTIAL COMMUNITY OWNERSHIP ASSOCIATIONS BY ADOPTING THE UNIFORM COMMON INTEREST OWNERSHIP ACT

Legislative studies allow for the examination of topics and issues beyond what is possible during a legislative session. Legislative studies allow for in-depth review and discussion by incorporating a wide range of input from those with direct experience or knowledge of the issue. Adopting procedures to guide the conduct of legislative study proceedings provides a structure for the orderly conduct of meetings that will best achieve the prescribed duties of the study in a manner that is efficient and effective and ensures the transparency of proceedings.

1. Attendance and quorum

- A. Quorum.** A quorum is required to convene a meeting of the Commission to Study the Need to Codify or Recodify Laws Regarding Residential Community Ownership Associations by Adopting the Uniform Common Interest Ownership Act ("the Commission"). A quorum consists of 7 members appointed or named to the commission and must include at least one legislative member.
- B. Attendance.** It is the duty of each member of the Commission to notify the chairs (via staff) in advance if they will not be present at a meeting of the Commission.
- C. Hybrid meetings.** If a meeting is in hybrid format (with attendance in-person and electronically), voting members attending remotely are counted towards a quorum.
 - o A member wishing to attend a meeting remotely shall provide advance notice to the chairs and staff.
 - o The legislative member serving as presiding chair must be physically present in the room for hybrid meetings.

2. Scheduling

- A. Chairs determine schedule.** The chairs of the Commission shall jointly determine the schedule of meetings.
- B. Authorized meetings.** Requests for additional meetings (beyond those budgeted in the fiscal note of the authorizing legislation) are subject to the approval of the Legislative Council pursuant to Joint Rule 353.

3. Notice and conduct of meetings

- A. Notice provided.** As soon as practicable after the date of meeting has been determined by the chairs, notice of the meeting must be posted on the legislative events calendar, the Commission's webpage and delivered by email to members and interested parties.
- B. All proceedings public.** Actions of the membership, including but not limited to presentations, discussion, determination of findings and proposing recommendations, must be conducted openly as part of a public proceeding.
- C. Meeting agenda.** The chairs determine the agenda for each meeting of the Commission. Requests for presentations or speakers must be made through the chairs.
- D. Conduct of meeting; public comment.** All questions must be addressed through the chair. If a Commission meeting includes an opportunity for the public to provide comment the chairs shall announce the format and manner by which public comment will be received.
- E. Electronic devices.** Personal electronic devices must be silenced during meetings and may only be used in a way that is not disruptive to members or those in attendance at the meeting.

MODEL PROCEDURES

4. Voting

- A. **Quorum required.** Other than a vote on a motion to adjourn, a quorum is required for a vote of the Commission.
- B. **Absent members.** Members who are absent at the time of a vote on report recommendations may register their position in support of or opposition to the motion with staff in accordance with the timeframe specified by the chairs. A member may register a vote only on a recommendation or a minority recommendation that was made when the vote was taken by the Commission. A member may not register a vote creating an additional recommendation.
- C. **Abstention.** In order to abstain from a vote, a member must first obtain approval from the chairs.

5. Report recommendations

- A. **Vote required.** Proposed recommendations are subject to a vote of the members of the Commission. When proposing a recommendation, members are encouraged to be as specific as possible and explain how the recommendation relates to the duties or objectives of the Commission.
- B. **Majority and minority recommendations included, member votes listed** A recommendation which receives support of a majority of members will be presented in the report as recommendations of the Commission. A recommendation which receives only a minority of members in support will be listed as a minority recommendation in the report. Members voting for recommendations will be noted in the report.

6. Review of legislative study report

- A. **Purpose of review.** The purpose of review is to ensure that the draft report accurately reflects the information received by the Commission, member discussion, and decision-making that took place during public meetings of the Commission.
- B. **Review procedure.** The chairs, with the assistance of staff, shall establish the procedures for member review of the draft report of the Commission. Members shall review the draft report and as necessary provide feedback to staff within the established timeframe set by the chairs.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

S.P. 301 - L.D. 760

**Resolve, to Establish the Commission to Study the Need to Codify or
Recodify Laws Regarding Residential Community Ownership Associations
by Adopting the Uniform Common Interest Ownership Act**

Sec. 1. Commission established. Resolved: That the Commission to Study the Need to Codify or Recodify Laws Regarding Residential Community Ownership Associations by Adopting the Uniform Common Interest Ownership Act, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 12 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. One member of the Maine State Bar Association with a substantial practice in condominium or community ownership association law, appointed by the President of the Senate;
4. One member representing the real estate development community, appointed by the President of the Senate;
5. One member from an association representing municipalities in the State, appointed by the President of the Senate;
6. One member of the Maine State Bar Association with a substantial practice in condominium or community ownership association law who represents the New England Chapter of the Community Associations Institute, appointed by the Speaker of the House;
7. One member representing the State's lending community, appointed by the Speaker of the House;
8. One member representing condominium owners or homeowners in community ownership associations in the State, appointed by the Speaker of the House; and

9. One member of the Commission on Uniform State Laws, as established by the Maine Revised Statutes, Title 5, section 12004-K, subsection 8, appointed by the Governor.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House 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 through remote participation.

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

1. Review data on existing condominium and noncondominium community ownership associations in the State;
2. Review state statutes that govern and case law that affects condominium and noncondominium community ownership association developments in the State;
3. Review efforts in other states to address problems with community ownership associations; and
4. Consider whether the adoption of the Uniform Common Interest Ownership Act or other laws may be suitable for the State.

Sec. 6. Staff assistance. Resolved: That 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 1, 2026, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters. The joint standing committee of the Legislature having jurisdiction over housing and economic development matters may submit legislation related to the report to the 133rd Legislature in 2027.

Sec. 8. Outside funding. Resolved: That the commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

**TESTIMONY OF
MICHAEL J. ALLEN, ASSOCIATE COMMISSIONER FOR TAX POLICY
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

Before the Committee on Housing and Economic Development
Hearing Date: *March 25, 2025*

LD 760 – “*An Act Establishing the Maine Common Interest Ownership Act*”

Senator Curry, Representative Gere, and members of the Committee on Housing and Economic Development – good afternoon, my name is Michael Allen, Associate Commissioner for Tax Policy in the Department of Administrative and Financial Services. I am testifying at the request of the Administration Neither For Nor Against LD 760, “*An Act Establishing the Maine Common Interest Ownership Act.*”

This testimony is limited to the ways in which the bill may affect taxes and tax administration. This is a concept draft bill, the summary of which states that the bill “would establish the Maine Common Interest Ownership Act based on the 2021 version of the Uniform Common Interest Ownership Act,” for which a link is provided. That document is 268 pages long, setting forth the provisions of the model act along with the comments to the sections by the Uniform Law Commission’s Committee that drafted the model Act. There are numerous provisions in the model Act that would affect taxes and tax administration, most prominently Section 1-105, titled Separate Titles and Taxation. That section appears to provide that interests of a unit owner in a cooperative should generally be considered personal property rather than real estate. The language goes on to state that each unit must be considered a separate parcel of real estate, and that there can be no separate tax assessment for common elements of a cooperative if there are no reserved development rights. It is unclear how these provisions would

interact, but there are potential conflicts for the administration and assessment of property tax, particularly for lien and foreclosure proceedings which are different for real versus personal property.

The language also states that a unit owner's ownership interest will be eligible for the Homestead Exemption, despite the language mentioned above stating that it should be treated as personal property. This may conflict or create confusion with existing Maine law, which allows the Homestead Exemption only for *real property* of a cooperative.

It is likely that there are a number of other provisions in the model Act that conflict with, or otherwise interact with, current law property tax provisions. As noted, the proposed uniform act is several hundred pages long. Additional research is required to review and analyze the full language with respect to potential taxation issues.

The Administration looks forward to working with the Committee on the bill; representatives from MRS will be here for the Work Session to provide additional information and respond in detail to the Committee's questions.

SENATE

ANNE M. CARNEY, DISTRICT 29, CHAIR
RACHEL TALBOT ROSS, DISTRICT 28
DAVID G. HAGGAN, DISTRICT 10

JANET STOCOCO, LEGISLATIVE ANALYST
ELIAS MURPHY, LEGISLATIVE ANALYST
SUSAN PINETTE, COMMITTEE CLERK



HOUSE

AMY D. KUHN, FALMOUTH, CHAIR
ADAM R. LEE, AUBURN
DAVID A. SINCLAIR, BATH
ELEANOR Y. SATO, GORHAM
DYLAN R. PUGH, PORTLAND
DANIL O'HALLORAN, BREWER
JENNIFER L. POIRIER, SKOWHEGAN
RACHEL A. HENDERSON, RUMFORD
ELIZABETH M. CARUSO, CARATUNK
MARK MICHAEL BABIN, FORT FAIRFIELD
AARON M. DANA, PASSAMAQUODDY TRIBE

STATE OF MAINE
ONE HUNDRED AND THIRTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY

TO: Senator Chip Curry, Senate Chair
Representative Traci Gere, House Chair
Joint Standing Committee on Housing and Economic Development

FROM: Senator Anne M. Carney, Senate Chair
Representative Amy D. Kuhn, House Chair
Joint Standing Committee on Judiciary

DATE: April 17, 2025

RE: LD 1132, An Act to Further Protect Low-impact Landscaping

After reviewing the language proposed in LD 1132 as drafted, as well as the language of an amendment presented to the Judiciary Committee during the work session on April 10, the Committee has determined that the underlying policy of the bill should be considered by the Housing and Economic Development Committee as it conducts its work on LD 760 "An Act Establishing the Maine Common Interest Ownership Act", and other legislation relating to common interest housing. The Judiciary Committee specifically requests the Housing and Economic Development Committee consider the following issues when completing the remainder of its work this legislative session:

1. The balancing of the rights of condominium associations and owners with individual property rights;
2. Attention given to outdoor spaces as common elements or limited common elements;
3. Transparency in condominium agreements to include disclosure of the use of pesticides and the types of pesticides used;
4. The definition of pesticides; and
5. Consideration of structural and public health concerns, such as termites or stinging pests.

Sincerely,

Anne Carney ^{EM}

Sen. Anne M. Carney
Senate Chair

Amy Kuhn ^{EM}

Rep. Amy D. Kuhn
House Chair

c: Joint Standing Committee on the Judiciary



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1132

S.P. 453

In Senate, March 18, 2025

An Act to Further Protect Low-impact Landscaping

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by President DAUGHTRY of Cumberland.
Cosponsored by Representative HENDERSON of Rumford and
Senators: HICKMAN of Kennebec, INGWERSEN of York, Representatives: ANKELES of
Brunswick, DODGE of Belfast, DOUDERA of Camden, SATO of Gorham.

132nd Maine Legislature
An Act to Further Protect Low-impact Landscaping
L.D. 1132

An Act to Further Protect Low-impact Landscaping

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

Sec. 1. 33 MRSA §1451, sub-§1, ¶A-1 is enacted to read:

A-1. "Limited common element" has the same meaning as in section 1601-103, subsection (16).

Sec. 2. 33 MRSA §1451, sub-§1, ¶F is enacted to read:

F. "Adjacent area" means any area immediately in front of, behind or to either side of a unit that does not overlap with neighboring units.

(1) In the case of adjoining units, adjacent areas extend to the boundary of the neighbor's unit.

(2) In the case of non-adjoining neighboring units, adjacent areas are ones that extend to the midway point between neighboring units.

(3) In cases where there is no immediate neighboring unit, the adjacent area extends to the edge of the property or to the roadway.

Sec. 2. 33 MRSA §1451, sub-§2, as enacted by PL 2023, c. 376, §1, is amended to read:

2. Prohibition. A restriction may not prohibit or put an unreasonable limitation on low-impact landscaping on any portion of a condominium or real estate subject to common ownership that is not subject to common ownership and that the owner has the right to exclusive use of, including limited common elements, as long as the owner maintains and regularly tends to the low-impact landscaping. Except for applications made by a commercial applicator to manage pests that cause structural damage or public health concerns, including but not limited to stinging pests, termites, bed bugs or brown tail moth, pesticides may not be applied to limited common elements or land within the adjacent area 50 feet of a unit without the express permission of the unit owner. A unit owner shall convey such permission through their homeowners' association or governing entity, which may act on behalf of consenting unit owners for the purposes of granting permission for pesticide application under this section.

Maine's Freedom of Access Act and the Conduct of the Business of the Legislature

Prepared for the Right to Know Advisory Committee
by the Office of Policy and Legal Analysis and the Office of the Attorney General
Updated January 2025

The Maine Freedom of Access Act requires governmental entities to conduct public business in the open and to provide access to public records. Legislative meetings and records are subject to the law and must be open to the public, with some limited exceptions set forth in the law.

Intent of the Freedom of Access Law

The Maine Freedom of Access Act provides that it is the intent of the Legislature that “actions [involving the conduct of the people’s business] be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly.” The Freedom of Access Act, found in Title 1 of the Maine Revised Statutes, chapter 13, applies to all governmental entities, including the Legislature.

Public Proceedings

Under state law, all meetings of the Legislature, its joint standing committees, joint select committees and legislative subcommittees are public proceedings. A legislative subcommittee is a group of 3 or more committee members appointed for the purpose of conducting legislative business on behalf of the committee.

The public must be given notice of public proceedings and must be allowed to attend. Notice must be given in ample time to allow the public to attend and in a manner reasonably calculated to notify the general public. The public is also allowed to record the proceedings as long as the activity does not interfere with the orderly conduct of the proceedings.

Party caucuses are not committees or subcommittees of the Legislature, so their meetings do not appear to be public proceedings. Similarly, informal meetings of the members of a committee who are affiliated with the same party are not public proceedings as these members are not designated by the committee as a whole to conduct business of the committee. However, committee members should be careful when they caucus not to make decisions or otherwise use the caucus to circumvent the public proceeding requirements.

Limited Exception to Public Proceedings (Executive Sessions)

In very limited situations, joint standing committees may hold executive sessions to discuss certain matters. State law is quite specific as to those matters that may be deliberated in executive sessions. The executive session must not be used to defeat the purpose of the Act, which is to ensure that the people’s business is conducted in the open.

The permitted reasons for executive session are set forth in the law, Title 1, section 405 and Title 3, section 156. The reasons most relevant to legislative work are discussion of confidential records and pre-hearing conferences on confirmations.

An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of the committee. The motion to go into executive session must indicate the precise nature of the business to be discussed and no other matters may be discussed. A committee may not take any votes or other official action in executive sessions.

If a committee wants to hold an executive session, the committee should discuss the circumstances with a nonpartisan legislative analyst from the Office of Policy and Legal Analysis or the Office of Fiscal and Program Review who can provide the committee with guidance about whether an executive session is permitted and, if so, how to proceed.

Public Records

The Freedom of Access Act defines “public records” broadly, to include all material in possession of public agencies, staff and officials if the materials were received or prepared for use in, or relate to, the transaction of public or governmental business. The scope of the definition means that most, if not all, papers and electronic records relating to legislative business are public records. This includes records that may be stored on an individual legislator’s personal computer, tablet or smartphone if they relate to or were prepared for use in the transaction of public business, *e.g.*, constituent inquiries, emails, text messages or other correspondence about legislative matters. Information contained in a communication between a constituent and a legislator may be confidential if it meets certain narrow requirements.

Time-limited Exception from Public Disclosure for Certain Legislative Records

The Freedom of Access Act contains exceptions to the general rule that public records must be made available for public inspection and copying. One exception that is relevant to legislative work allows certain legislative papers to be withheld from public disclosure until the end of the legislative session in which they are being used. The exceptions are as follows:

- ❑ Legislative papers and reports (*e.g.* bill drafts, committee amendments and the like) are not public records until signed and publicly distributed; and
- ❑ Working papers, drafts, records and memoranda used to prepare proposed legislative papers or reports are not public records until the end of the legislative session in which the papers or reports are prepared or considered or to which they are carried over.

The Legislative Council’s Confidentiality Policy and the Joint Rules provide guidance to legislative staff about how such records are to be treated before they become public records.

Confidential Records in the Possession of Committees

Committees may also need to be prepared to deal with other types of non-public records, such as individual medical or financial records that are classified as confidential under state or federal law.

If the committee comes into possession of records that are declared confidential by law, the Freedom of Access Act allows the committee to withhold those records from the public and to go into executive session to consider them (see discussion above for the proper process).

In addition, the committee should also find out whether there are laws that set specific limitations on, and penalties for, dissemination of those records. The Office of the Attorney General or a nonpartisan legislative analyst from the Office of Policy and Legal Analysis or the Office of Fiscal and Program Review can help the committee with these records.

Joint Rule 313 also sets forth procedures to be followed by a committee that possesses confidential records.

Legislative Review of Public Record Exceptions

All exceptions to the public records law are subject to a review process. A legislative committee that considers a legislative measure proposing a new statutory exception must refer the measure to the Judiciary Committee if a majority of the committee supports the proposed exception. The Judiciary Committee will review and evaluate the proposal according to statutory standards, then report findings and recommendations to the committee of jurisdiction. The Judiciary Committee regularly seeks input from the Right to Know Advisory Committee on public records, confidentiality and other freedom of access issues.

Public Access Ombudsman

The Public Access Ombudsman, an attorney located in the Department of the Attorney General, is available to provide information about public meetings and public records, to help resolve complaints about accessing proceedings and records and to help educate the public as well as public agencies and officials. Legislators may contact the Public Access Ombudsman, Brenda Kielty, at Brenda.Kielty@maine.gov, or (207) 626-8577 for assistance.

Commission to Study the Need to Codify or Recodify Laws Regarding Residential
Community Ownership Associations

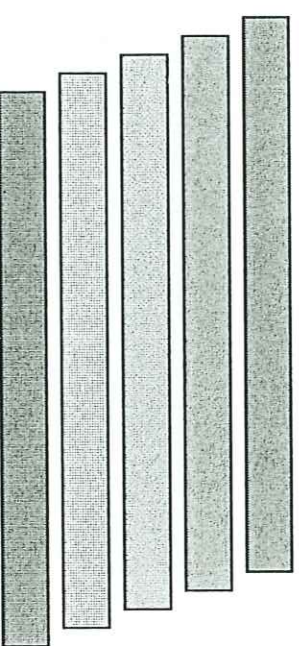
Maine's Common Interest Communities

What they are, how many there are, and what law governs them, in
Maine and nationally

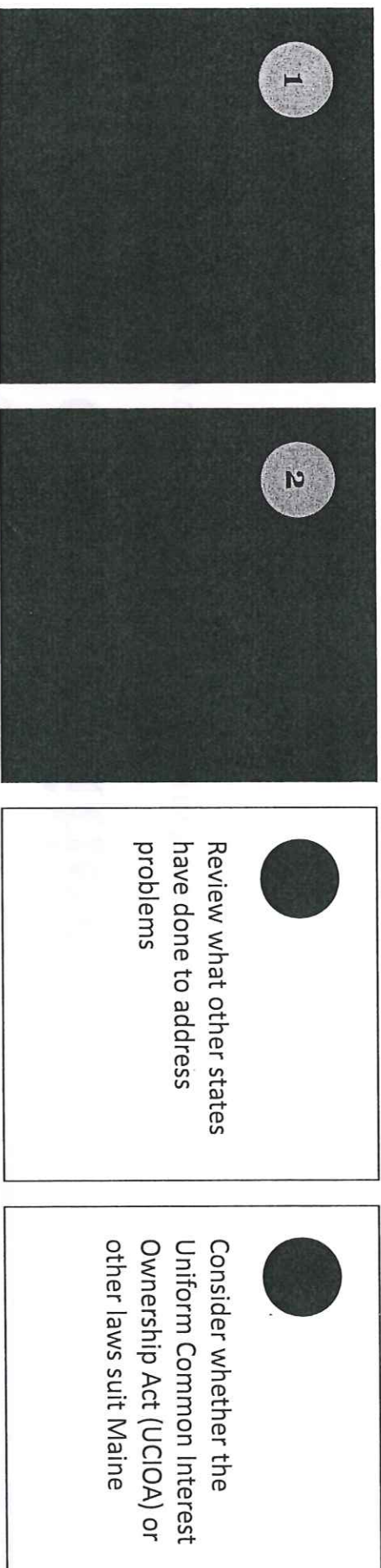
Joseph G. Carleton Jr., Esq.

Jensen Baird

Meeting date: September 30, 2026



What the Commission Was Asked to Do



Today

Data and statutes (duties 1 and 2). Rebecca Shiland follows with case law and short-term rentals.

Report with suggested legislation due December 1, 2026 to the joint standing committee on housing and economic development.

Resolve 2025, ch. 167 (L.D. 760), §§5 and 7, Duties paraphrased; see the Resolve for exact text.

Maine's Common Interest Communities · Presentation to the Commission

Four Questions in Forty Minutes



What are they?

Condominiums and planned communities; what the proposed bill leaves out

Slides 4 to 6



How many are there?

The national picture, what can be counted in Maine, and where the uniform acts are law

Slides 7 to 10



What law governs them?

Four sources of law, how the 1983 Act reaches older condominiums, and the communities no statute covers

Slides 11 to 17



Why is the Commission here?

Old laws, new problems, and the questions the Commission will have to answer

Slides 18 to 20

What Is a Common Interest Community?



Separate ownership

Each owner holds a unit or a lot.



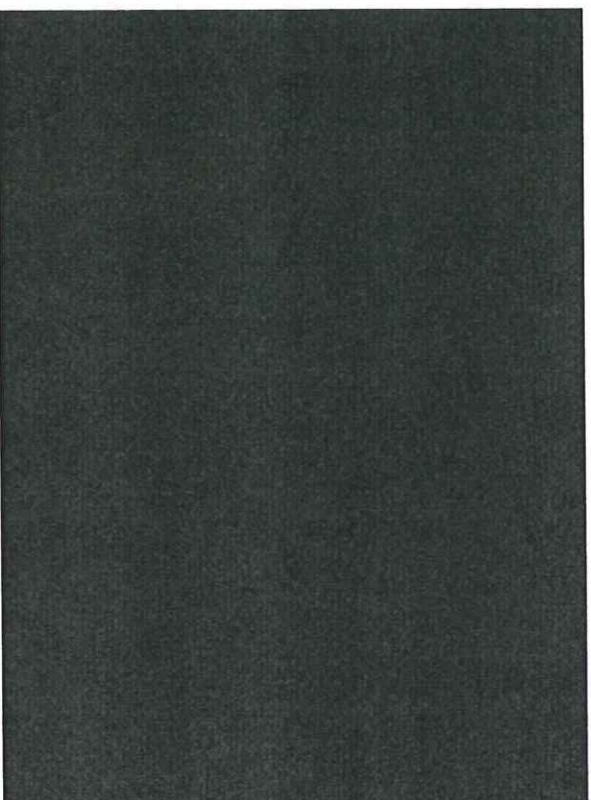
Shared property

Common elements or common area that everyone pays for.



A mandatory association

The duty to pay assessments comes with ownership. Owners cannot opt out.



In the uniform act's terms: real estate where owning a unit obligates you to pay a share of the costs of other property described in a recorded declaration.

UCIOA (2021) §1-103(9), paraphrased. Maine has no general definition; the closest is 38 M.R.S. §3002(3) (Uniform Environmental Covenants Act).

Two Kinds in Maine

	Condominium	Planned community (“HOA”)
What the owner holds	A unit, plus an undivided share of the common elements	A lot; the association usually owns the common area
Governing statute	Unit Ownership Act (1965) or Maine Condominium Act (1983)	None. No statute governs them as such
Documents	Declaration, plats and plans, bylaws	Covenants, conditions and restrictions (CC&Rs), bylaws
Association	Condominium Act associations must be Title 13-B nonprofit corporations	Incorporation not required
The same in both	Mandatory membership, mandatory assessments, use restrictions, and a volunteer board	

The uniform act calls a community that is not a condominium a “planned community.” Members will see that term throughout UCIOA and the draft bill.

UCIOA (2021) §1-103(10), (25); 33 M.R.S. §1603-101.

What the Proposed Bill Leaves Out



The draft Maine Common Interest Ownership Act would not cover:

Cooperatives

Organized under Title 13, chapter 85

Time-shares

As defined in 33 M.R.S. §591

Road associations

Incorporated under Title 23, chapter 305, subchapter 2

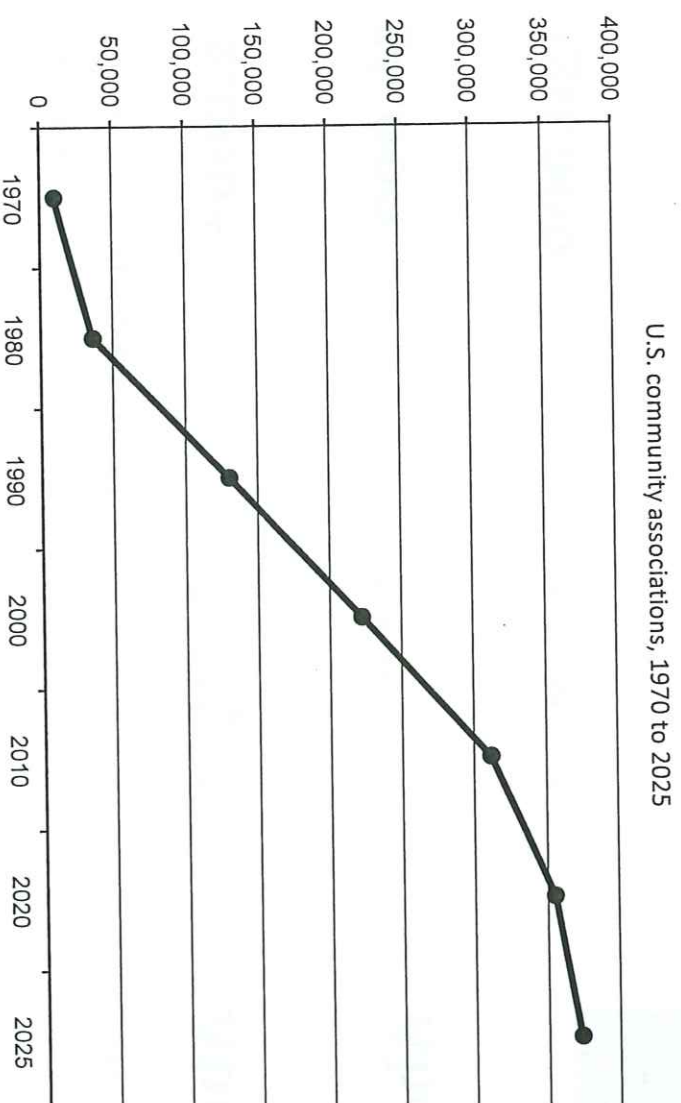
Manufactured housing communities

The uniform act also excludes simple cost-sharing covenants for a shared driveway, well or party wall. None of these arrangements is discussed further today.

MCIOA draft (as submitted 3/31/25, rev. 4/21/25) §1-103(9); UCIOA (2021) §1-210.

Maine's Common Interest Communities • Presentation to the Commission

A Housing Model That Took Over in Fifty Years



373,000

community associations in the United States at the end of 2025

78.1 million

residents, about 1 in 4 Americans

35%

of U.S. housing units are in a community association

Nearly 2 in 3

new single-family homes started in 2024 were built in an association (65.7%)

Foundation for Community Association Research, 2025 Statistical Review (2026); U.S. Census Bureau, Survey of Construction, as reported by NAHB (Dec. 2025).

Maine: What Can Be Counted



STATEWIDE (PUBLISHED ESTIMATE)

2,000+

community associations
(probably low)

56,000

lots or units

130,000

Mainers, about one in ten

Community Associations Institute, Maine Facts & Figures (2025); Foundation for Community Association Research, 2025 Statistical Review. An estimate.

York County: Carleton records, review of York County Registry of Deeds. Unit counts are as of the original declaration.

Maine's Common Interest Communities • Presentation to the Commission

YORK COUNTY (CARLETON RECORDS)

About 90

Unit Ownership Act condominiums,
about 1,700 units

About 950

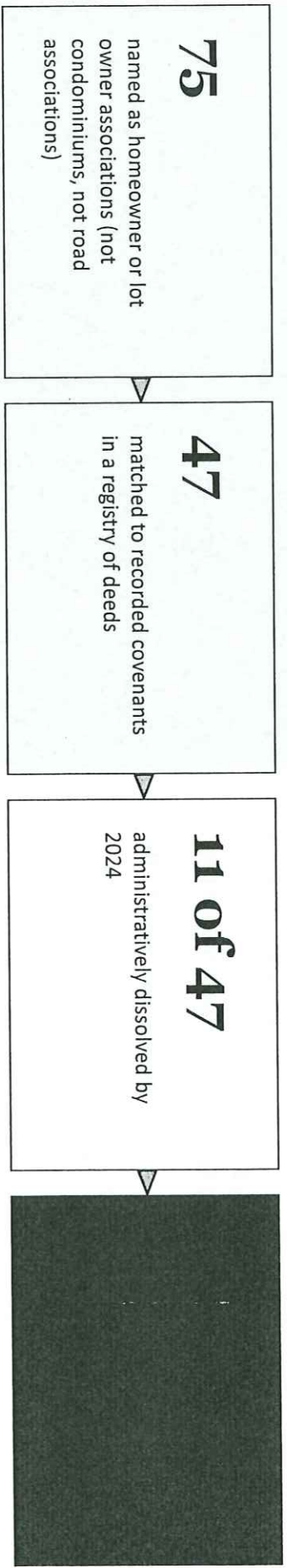
Maine Condominium Act
condominiums, more than 10,700 units
as first declared (phased projects have
grown since). 20,000 units is a
reasonable estimate.



Maine's HOAs Are Mostly Small



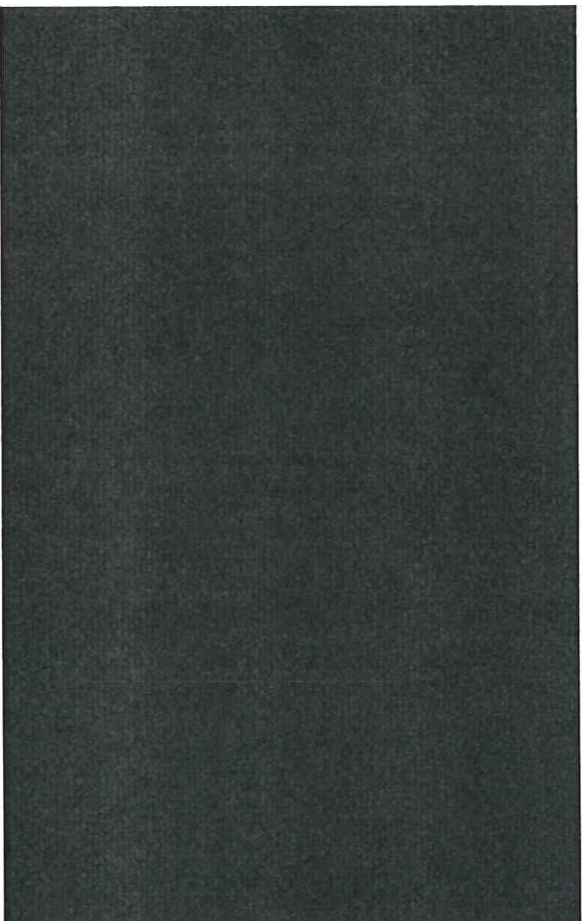
A 2024 review of the 501 Maine nonprofit corporations formed in 2004:



Why it matters. UCIOA exempts small planned communities (12 or fewer units, with no development rights) from most of the act, and the draft bill adds a low-assessment test (\$1,000 a year average). Condominiums are covered regardless of size. Where the Commission draws that line decides how many Maine HOAs a new law reaches.

Carleton records: 2024 review of Secretary of State corporate records and county registries. One year of formations; not a random sample. UCIOA (2021) §1-203; MCIOA draft §1-203.

Where the Uniform Acts Are Law



UNIFORM CONDOMINIUM ACT: 14 STATES, INCLUDING MAINE

The Maine Condominium Act (1983) is Maine's version of the 1980 uniform act. It covers condominiums only.

THE CLOSEST PRECEDENT

Washington (laws 2024, ch. 321): from January 1, 2028, its UCIOA will govern every common interest community in the state, old and new.

Community Associations Institute, UCIOA adoption summary: Washington ESSB 5796 final bill report (2024), Confirm against the Uniform Law Commission enactment page.

Maine's Common Interest Communities • Presentation to the Commission

Four Sources of Law and No Single Rulebook

1965 Unit Ownership Act 33 M.R.S. ch. 10	1977 Nonprofit Corporation Act Title 13-B	1983 Maine Condominium Act 33 M.R.S. ch. 31	Centuries old Law of covenants and servitudes Court decisions
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Plus scattered statutes elsewhere. Example: the 2025 EV charging law (33 M.R.S. §576-A) sits in the Unit Ownership Act chapter, uses condominium terms, and borrows its definition of “common interest community” from the Uniform Environmental Covenants Act (38 M.R.S. §3002(3)). No owner or volunteer board member can go to one place to find the rules.

P.L. 1965, c. 357; P.L. 1977, c. 525; P.L. 1981, c. 699 (effective January 1, 1983).

Maine’s Common Interest Communities • Presentation to the Commission

The Unit Ownership Act (1965)

- **An enabling act: it made condominium ownership possible in Maine**
- Minimal governance. Bylaws must cover a board, meetings and quorum, officers, repairs and collecting expenses (§576); little else is required
- **Hard to change**
 - Bylaws: 75% of owners (§576(11))
 - Declaration: whatever method it states (§569(11))
 - Ownership shares: all owners (§565(2))
- Still governs every condominium created before 1983, except where the 1983 Act reaches back (slide 14)

33 M.R.S. §§560 to 587; P.L. 1965, c. 357.

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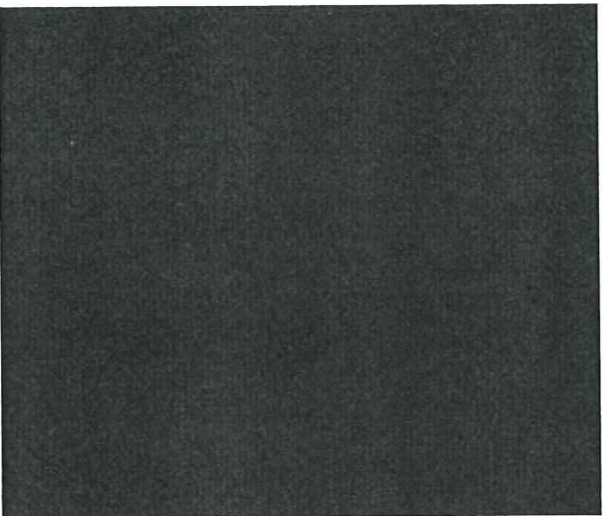
The Maine Condominium Act (1983) at a Glance

Article	What it covers	Issues for the Commission
1. General provisions	Definitions; separate titles and taxes; local law; which condominiums are covered	How far back a new law should reach; who should be exempt
2. Creation, alteration, termination	Declaration and plans; unit boundaries; allocated votes and expenses; developer rights; amendments	Amendment thresholds: 67% or more, and unanimity for some changes (§1602-117)
3. Management	Association powers; board; meetings; budgets and assessments; liens; insurance; rules; records	Board authority versus owner rights; lien priority (Maine: first mortgage comes first; UCIOA: limited priority for the association)
4. Protection of purchasers	Public offering statement; resale certificate; warranties; conversions	What buyers must be told; none of this applies to HOA sales

33 M.R.S. ch. 31 (P.L. 1981, c. 699), based on the Uniform Condominium Act (1980). Lien priority: 33 M.R.S. §1603-116(b); UCIOA (2021) §3-116(c).

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How the 1983 Act Reaches Older Condominiums



AUTOMATICALLY: 11 MCA SECTIONS (SOME IN PART)

Separate titles and taxes	Local law	Eminent domain
Construing documents	Unit descriptions	Most association powers
Tort and contract liability	Assessment lien	Records
Resale certificates	Remedies	

BY CHOICE: THE WHOLE ACT. Owners can amend their documents to adopt the entire MCA, following the procedures in their own documents and the UOA. Only three UOA Condominiums have been able to do so.

Limits: the 11 sections apply only to events after 1983 and do not invalidate existing declarations, bylaws, plans or rules. Result: two sets of rules for condominiums, and none for HOAs.

33 M.R.S. §1601-102(a) and (b). The 11 are §§1601-105, -106, -107; 1602-103, -104; 1603-102(a)(1)-(6), (11)-(16); 1603-111, -116, -118; 1604-108, -116.

Title 13-B: A Statute Built for Charities and Clubs

Voluntary members who can resign	Mandatory members: every owner, by law
Dues set by agreement	Assessments secured by a lien on each home
General rules for meetings, notice, quorum, proxies and records	Their own statute (for MCA condominiums) covering the same subjects

- Maine Condominium Act associations must be organized under 13-B (§1603-101). UOA associations and HOAs may or may not be incorporated
- Where another law specifically applies and is inconsistent, that law prevails (13-B §103(3)). Deciding what is “inconsistent” is a lawyer’s question
- Enacted in 1977, after the UOA and before the MCA. Never harmonized with either

Title 13-B (P.L. 1977, c. 525), §103(3); 33 M.R.S. §1603-101.

HOAs: No Statute at All

Maine has no statute for homeowners associations. They run on:

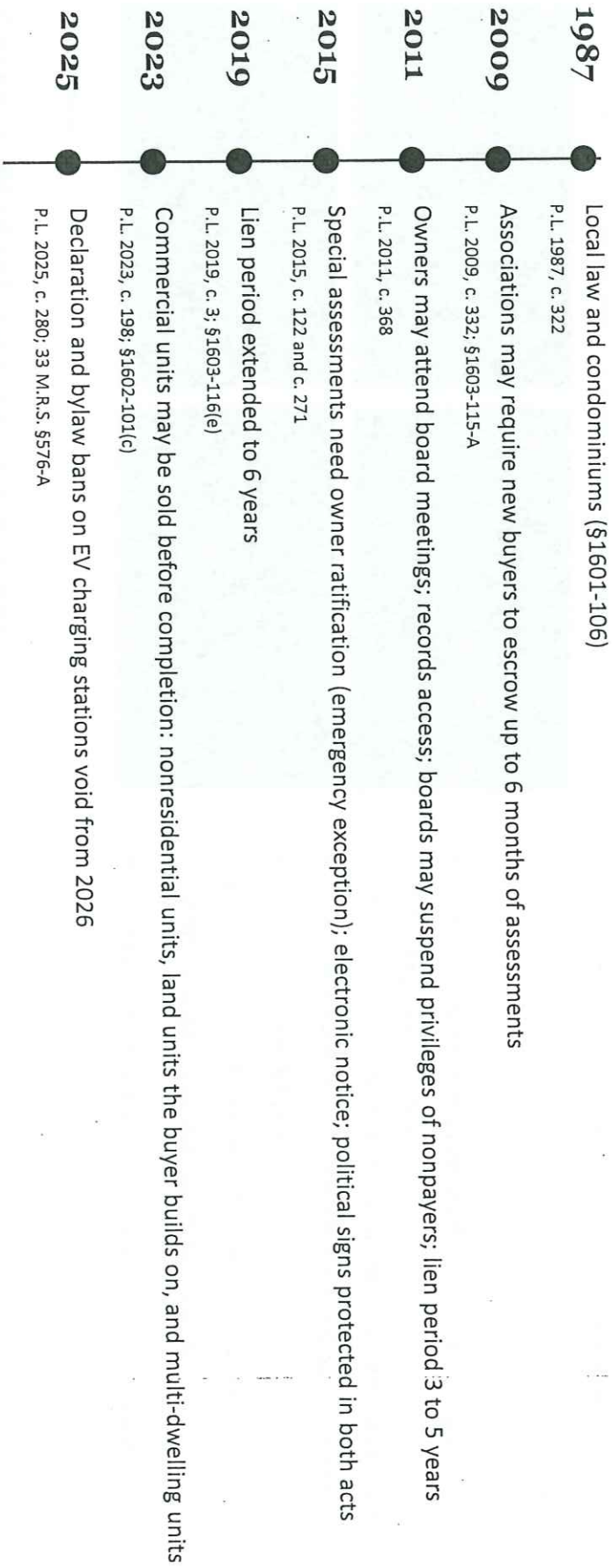
- 1 Their recorded covenants (CC&Rs) and bylaws
- 2 The common law of covenants and servitudes
- 3 Title 13-B, if the association is incorporated

Everything depends on how good the documents are.

Condominium statutes, 33 M.R.S. chs. 10 and 31, apply only to condominiums.

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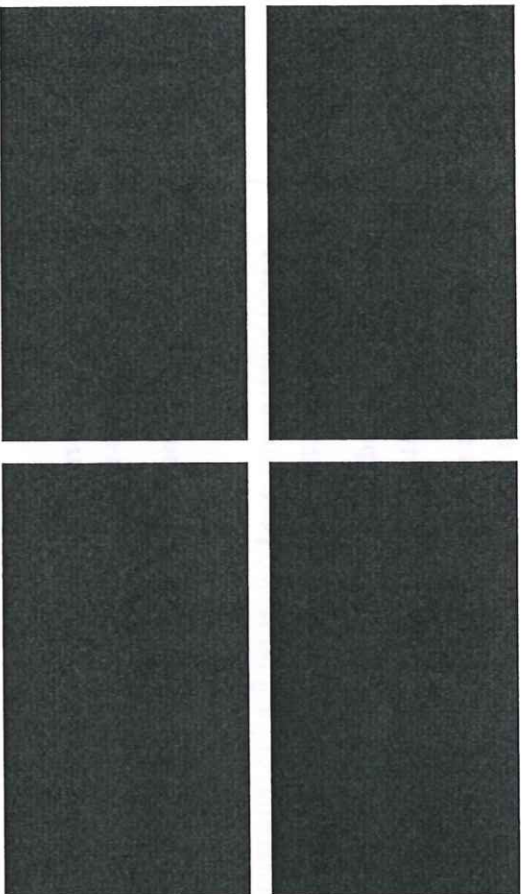
Amendments Over Forty Years



Each is a policy choice the Legislature made after hearing from the people affected.

Maine's Common Interest Communities • Presentation to the Commission

Old Laws, New World



WHAT HAS CHANGED SINCE THE DRAFTERS SAT DOWN

- Email, remote meetings, electronic voting
- EV charging, solar panels, generators, cameras
- Short-term rental platforms
- Owner expectations of transparency and due process
- Lender scrutiny of reserves and deferred maintenance after the 2021 Surfside collapse
- Aging buildings, volunteer fatigue, sharper conflict

And the documents are hard to change. UOA: 75% of the total voting power to amend bylaws; the declaration by its own terms; all owners to change ownership shares. MCA: 67% or more of the total voting power to amend the declaration; unanimity for some changes.

33 M.R.S. §§565(2), 569(11), 576(11), 1602-117.

What are owners complaining about?

Source: Conclusions from states having agencies that collect data (Colorado, South Carolina, Virginia, Illinois, Florida, Nevada)
(Nationwide data not available; data was compiled using Claude Opus 5.5, Research mode)

1. How the board governs, not about the rules themselves
 1. meeting and election rules
 2. Records and financial information
 3. Poor communication
 4. Money (assessments, fines, collections and budgets)

2. Maintenance and repair of common elements

3. Financial management

Note: All data should be treated with caution. CAI 2024 Homeowner Satisfaction survey found most Owners rate their experience as good or very good.

The Problem in One Slide



Scattered

Four sources of law. No single place a volunteer board member or an owner can look.

Inconsistent

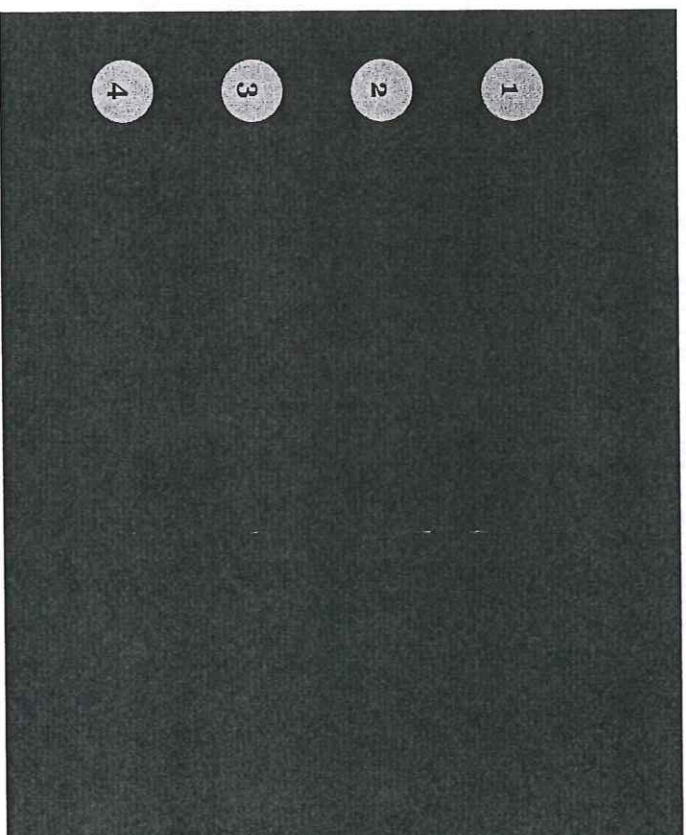
Two condominium acts with different rules, a corporate act that fits neither, and HOAs with no act at all.

Obsolete

No one anticipated today's technology, today's rentals or today's lenders.

Rigid

Unanimity blocks changes most owners want, and old covenant law does the same for HOAs.



NEXT

Case law and short-term rentals

Rebecca Shiland



Questions

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Uniform Law Commission

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WHY YOUR STATE SHOULD ADOPT THE UNIFORM COMMON INTEREST OWNERSHIP ACT (UCIOA)

The Uniform Common Interest Ownership Act (UCIOA), amended by the Uniform Law Commission in 2021, is a comprehensive act that provides clarity and predictability to common interest community unit owners and current and future property developers.

A “common interest community” is a group of people who share an ownership interest in real estate. The three types of common interest communities governed by UCIOA are: (1) a **condominium**, where each member of the community owns a unit individually, and the group shares ownership of the common elements and manages the property through a unit owners association; (2) a **planned community** where single-family homeowners form an association to manage certain neighborhood assets; and (3) a **real estate cooperative**, where all real estate is owned by an association and the association members are allowed to exclusively possess their units.

Common interest communities have risen in popularity over the last fifty years, but most state property laws have failed to keep pace or have been amended in piecemeal fashion. UCIOA modernizes and standardizes the laws that cover the three forms of common interest communities.

- ***UCIOA promotes economic development.*** Real estate developers appreciate UCIOA’s clear procedures for creating and changing common interest communities. UCIOA is flexible enough to accommodate multi-phase and mixed-use developments, and developers can reserve special rights to adjust the scope of the project in response to changing market conditions. The 2021 amendments to UCIOA enhance predictability by creating additional, clear-cut procedures for the alteration and termination of common interest communities.
- ***UCIOA protects consumers.*** Under UCIOA, each common interest community must publicly record a declaration that sets out unit boundaries and common elements, and allocates shares of common expenses and votes among the units. When the developer is selling units in a development, UCIOA requires a public offering statement, showing the plan of development, bylaws of the association, any restrictions on use, and all relevant financing information, to be given to each prospective buyer. Developers are liable for false or misleading statements and omissions in the statement.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.

- ***UCIOA promotes effective property management.*** Under UCIOA, each common interest community is governed by its association of unit owners, who elect an executive board to make decisions affecting the property, including approval of management and other contracts. Each association can draft bylaws and rules tailored to the specific needs of the community, but UCIOA ensures unit owners are treated fairly and can participate in governance decisions. Furthermore, the 2021 amendments to UCIOA permit common interest community associations to meet by videoconference and to allow electronic voting.
- ***UCIOA allows associations to protect the community in emergencies.*** The 2021 amendments to UCIOA empower an association to take appropriate protective and immediate actions when presented with a threat to the common interest community's residents or to the habitability of the common interest community, or when there is a risk of substantial economic loss to the association.

For further information about UCIOA, please contact ULC Legislative Counsel Jane Sternecky at (312) 450-6622 or jsternecky@uniformlaws.org.



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2021 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT

- A Summary -

The Uniform Common Interest Ownership Act (UCIOA) is a comprehensive statute that governs three types of “common interest communities” – condominiums, planned communities of single-family homes, and real estate cooperatives. UCIOA was initially drafted in 1982 to establish rules for the creation, management, alteration, and termination of common interest communities, and has been periodically amended in the years since its approval. In 2021, the Uniform Law Commission approved a new set of amendments to UCIOA, which are designed to further modernize the law on common interest communities and incorporate best practices established by the real property industry.

In Article 1 of UCIOA, Section 1-104 previously outlined 33 rules that a common interest community could change “by agreement.” Under the new amendments, Section 1-117 of UCIOA now includes 27 rules that can only be changed in the governing instrument (declaration or bylaws) of a common interest community. These provisions, which include rules for elections and voting, reallocation of boundaries between units and limited common elements, and other aspects of the day-to-day administration of a common interest community, are “default” rules that will apply to all common interest communities unless the declaration or bylaws provide otherwise.

Under the amended UCIOA, common interest communities maintain the flexibility to change their governing instruments to meet their needs, while unit owners will be able to rely on the predictability of certain default rules. UCIOA’s mandatory rules have not been amended: a common interest community remains unable to change any provision of the act that gives rights to or imposes obligations or liabilities upon unit owners, building developers, associations, or executive boards.

In Article 2, which governs the creation, alteration, and termination of common interest communities, Section 2-118 was amended to better protect residential unit owners from unilateral action by a property developer who wishes to dissolve the common interest community (sometimes referred to as deconversion). Previously, UCIOA stated that a common interest community could be terminated if 80% of the unit owners agreed. This threshold remains unchanged, and will have the same effect for common interest communities where each unit has been sold by the developer, and the period of developer control has ended.

However, for common interest communities that are still under developer control, not only do 80% of unit owners have to agree to terminate the common interest community, but 80% of the unit owners *other than the developer* must agree as well. This prevents the developer of a new community who was unable to sell as many units as anticipated, and who therefore still owns a substantial voting percentage, from terminating the common interest community without the consent of 80% of the independent unit owners. Similarly, the amendments expand the scope of

which common interest communities can be partially terminated, allowing the sale of only some common elements and units.

Additionally, Section 2-108 of UCIOA was amended to make it easier to convert a common element (a part of the property that all tenants are entitled to access) to a limited common element that can only be accessed by a subset of unit owners, because this is often a minor change that has minimal impact on other unit owners. Furthermore, under Section 2-120, a majority of unit owners can now override an executive board's decision to delegate duties to a master association.

The amendments to Article 2 also include the addition of Section 2-125, which was added to expressly prevent a unit owner from acquiring title to a common element through adverse possession or easement by prescription. This significant update is designed to protect the rights of all unit owners from bad actors.

UCIOA Article 3 provides management rules. Section 3-108 was amended to allow association meetings by videoconference, and Section 3-110 was amended to permit electronic voting. Section 3-115 has been restructured to clarify that a declaration can only disproportionately allocate assessment fees in accordance with each unit owner's benefit from common elements if the declaration specifically states that common expenses "must be assessed" differently.

Article 3 contains a new Section 3-125, which outlines an association's duties and powers in the event of an emergency. Under Section 3-125, an emergency constitutes both government-declared emergencies and imminent threats to the health of residents, habitability of the common interest community's units, or a risk of substantial loss to the association. In an emergency, the association is entitled to call meetings with limited notice and without a quorum under certain circumstances, and is empowered to take necessary actions, including the imposition of immediate special assessments, to protect the interests of unit owners and other interest holders.

Finally, Section 5 of UCIOA, which covered registration of common interest communities and was previously optional but had not been incorporated into any state's law, has been removed.

The 2021 amendments to UCIOA respond to the changing real estate landscape by clarifying existing law, incorporating best practices, and ensuring that UCIOA remains up to date with technological advances. Additionally, these amendments address the need for an association to remain nimble in the face of unpredictability while still protecting the assets and interests of all stakeholders.

For further information about UCIOA, please contact ULC Legislative Counsel Jane Sternecky at (312) 450-6622 or jsternecky@uniformlaws.org.