



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 281

H.P. 214

House of Representatives, January 31, 2017

**An Act To Amend the Percentage of Votes Needed for
Condominium Governance**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.
Cosponsored by Senator HILL of York and
Representatives: FOLEY of Wells, JORGENSEN of Portland, MALABY of Hancock.

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
3 amended to read:

4 (d) Except to the extent expressly permitted or required by other provisions of this
5 Act, ~~no~~ an amendment may not create or increase special declarant rights, increase the
6 number of units, or change the boundaries of any unit, the allocated interests of a unit, or
7 the uses to which any unit is restricted, in the absence of ~~unanimous consent~~ of the
8 requisite number of unit owners. For purposes of this subsection, "requisite number of
9 unit owners" has the same meaning as in section 1603-112, subsection (f).

10 **Sec. 2. 33 MRSA §1603-112, sub-§§(a) and (b)**, as enacted by PL 1981, c. 699,
11 are amended to read:

12 (a) Portions of the common elements may be conveyed or subjected to a security
13 interest by the association if ~~persons entitled to cast at least 80% of the votes in the~~
14 ~~association, including 80% of the votes allocated to units not owned by a declarant, or~~
15 ~~any larger percentage the declaration specifies~~ a requisite number of unit owners, as
16 defined in subsection (f), agree to that action; ~~provided that all the owners of units to~~
17 ~~which any limited common element is allocated must agree in order to convey that~~
18 ~~limited common element or subject it to a security interest. The declaration may specify~~
19 ~~a smaller percentage only if all of the units in the condominium are restricted exclusively~~
20 ~~to nonresidential uses. Proceeds of the sale are an asset of the association.~~

21 (b) An agreement to convey common elements or subject them to a security interest
22 must be evidenced by the execution of an agreement, or ratifications thereof, in the same
23 manner as a deed, by the requisite number of unit owners as defined in subsection (f). The
24 agreement must specify a date after which the agreement will be void unless recorded
25 before that date. The agreement and all ratifications thereof must be recorded in every
26 county in which a portion of the condominium is situated and ~~is~~ are effective only upon
27 recordation.

28 **Sec. 3. 33 MRSA §1603-112, sub-§(f)** is enacted to read:

29 (f) As used in this section, "requisite number of unit owners" means:

30 (1) When there are 9 or fewer units in the association, 100% of the votes allocated to
31 units in the association; or

32 (2) When there are 10 or more units in the association, at least 80% of the votes
33 allocated to units in the association, rounded up to the next whole number.

34 SUMMARY

35 This bill amends the Maine Condominium Act to change the number of votes,
36 depending on the number of units in the association, needed by owners of units in the
37 association in order to convey or use as collateral common elements of the condominium
38 or to amend the declaration of the condominium. Under this bill, if an association

- 1 consists of 9 or fewer units, agreement by all of the owners is necessary; if an association
- 2 consists of 10 or more units, agreement by the owners of at least 80% of the votes
- 3 allocated to units, rounded up to the next whole number, in the association is necessary.