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Community Association Institute Maine Legislative Action Committee
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My name is Rebecca Shiland. I am an attorney with Jensen Baird in Portland, and reside in Portland, with a specialty in community association law. I represent homeowner associations, developers, and individual homeowners.

I am also the current Chair of the Maine Legislative Action Committee (“LAC”) of the Community Associations Institute (“CAI”). CAI is a national non-profit organization that serves the interests of condominium associations and condominium owners throughout the country. LAC speaks on behalf of the thousands of community associations and their members throughout the State of Maine. CAI generally supports the adoption of the Uniform Common Interest Ownership Act.

It has now been over forty years since the original Maine Condominium Act was adopted. The Maine Unit Ownership Act, the predecessor to the current Condominium Act, was adopted in 1965, 60 years ago. Many condominium communities created prior to 1980 still operate under this rudimentary statute. Experience has shown that the Condominium Act and its predecessor, the Unit Ownership Act, although thoughtfully drafted and the product of the best thought of their time, did not deal adequately and completely with many of the issues that we currently encounter in the development and operation of common interest communities. The Uniform Law Commission’s work has improved practices over the years and the Maine Common Interest Ownership Act would afford condominium associations in Maine the benefit of these modern and improved practices.

In addition, as Joe Carleton mentioned, there are thousands of Mainers who live in non-condominium common interest communities. There is no statute in Maine that protects the interest of owners of properties in these communities. That means that the rules and restrictions applicable to these communities can vary widely and there is little uniformity. Many of these communities have governing documents that are written by the developer to protect developer interests, but which provide little or no opportunity for the homeowners to make changes to the governing documents once they take over self-governance. Many are thus stuck with unworkable documents that do not allow them to meet the needs of their community association members and with little to no recourse in applicable law.

The proposed UCIOA would bring these three types of community associations – Unit Ownership Act associations, Condominium Act associations and non-condominium community associations – under one statute that incorporates the most modern and improved practices for development and operation of community associations. It would provide uniformity of governance procedures for homeowners and Board members, as well as realtors, lawyers, property managers and others who work with community associations.

For these primary reasons, the Maine Legislative Action Committee of the Community Association Institute is generally supportive of the adoption of the UCIOA for Maine, with some amendments to customize the model UCIOA to meet the particular needs of Maine community associations. We look forward to working with the bill sponsors on the amendments to the Model Act that are needed for our support.

I would be happy to answer questions.