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
Thursday, Nov. 5, 2026 at 9 a.m.
Virtual Zoom Meeting
Burton M. Cross State Office Building, Augusta, ME

Agenda: Meeting #3

9:00 am — **Welcome**
Chairs, Senator Chip Curry & Representative Marc Malon

9:05 a.m. — **Continued discussion of how Uniform Common Interest Ownership Act compares to current Maine Condominium Act**
Lynne Westphal, Legislative Analyst, Office of Policy and Legal Analysis
Commission member discussion

Commission member discussion & next steps

- Information requests
- Next meeting dates

12:00 p.m. — **Adjourn**

Next meeting: 10 a.m. Thursday, Nov. 12 (in person)

The meeting can be livestreamed either on the Legislature's webpage or on YouTube:

- https://legislature.maine.gov/Audio/#206
- https://www.youtube.com/mainestatelegislature

APPROVAL REQUIREMENTS FROM THE MCA AND THE UCIOA AND OTHER MISCELLANEOUS PROVISIONS

REALLOCATION AND CONVEYANCE OF UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
1	***Reallocation of limited common element***	§1602-108(b) by amendment to declaration upon application of unit owners whose units are to be reallocated; unless, executive board determines, w/i 30 days, that reallocation is unreasonable	§2-108(b) by amendment executed by unit owners whose units are reallocated		
2	***Reallocation of Common Element to Limited Common Element***	§1602-108(c) Generally may not be reallocated except as allowed by § 1602-105(a)(7) which limits reallocation to that real estate described in declaration as subject to subsequent reallocation	§2-108(c) By amendment to declaration; upon request and board approval w/notice to all + ability to object w/i 30 days; if timely objection received amendment needs to receive 67% of votes cast of units not owned by declarant; no quorum required	no	None
3	***Relocation of Unit Boundary***	§1602-112 (boundary between units) by amendment to declaration; upon application by unit owners seeking relocation; association prepares amendment unless, executive board detelmines, w/i 30 days, that reallocation is unreasonable	§2-1 12(a) generally, the same §2-112(b) (boundary of unit to add all or part of a common element) by amendment to declaration; upon request of unit owner; board may approve only if vote of at least 67 % of votes cast, including 67% of votes excluding votes for units owned by declarant; no quorum required	no	none

REALLOCATION AND CONVEYANCE OF UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS					
#	Action	MCA Requirements	UCIOARequirements	Different % Allowed in Declaration or Bylaws	Exceptions
4	***Conveyance or Encumbrance of Common Elements;*** condos (both) and planned communities (UCIOA only)	§ 1603-1 12(a) Pails of common elements may be conveyed or subjected to a security interest by the association if: ► persons entitled to cast 80% of votes including 80% of votes allocated to units not owned by declarant BUT ► 100% of unit owners to which limited common elements are allocated must agree to convey or subject to a security interest	§3-112(a) - same	MCA/UCIOA ► larger% or ► Smaller % if units are restricted exclusively nonresidential UCIOA Declaration or bylaws may vary - see §1-117(b)(20)	Consent of security interests- see §3-1 12(g) & (h)
5	***Conveyance or Encumbrance of Common Elements;*** cooperatives	n/a	§3-112(b) ► pail of co-op may be conveyed; or ► part or all subjected to security interest by association if: o persons entitled to cast 80% of votes including 80% of votes allocated to units not owned by declarant ► but if fewer than all units or limited common elements are conveyed or	► lai·ger % or ► smaller % if units are restricted exclusively nonresidential	

REALLOCATION AND CONVEYANCE OF UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
			subject to a security interest, than 100% of owners of those units conveyed or units to which limited common elements are allocated, must agree		

AMENDING DECLARATION					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
	Amending the Declaration; Generally,	§1602-117(a) "vote or agreement" of unit owners of units to which at least 67% of votes are allocated	§2-117(a) same	MCA:YES ► Larger% Or ► Smaller %, if all units are restricted exclusively nonresidential UCIOA declaration may specify a different percentage	BOTH except amendments allowed by other provisions of the act: ► by declarant - see below ► by association - see below ► by certain unit owners - see below Also: ► §2-117(d), (g) and (h) - see below
	Amending the Declaration;	§ 1602-1 17(d) Unanimous consent of unit owners	§2-117(d) Same EXCEPT		MCA& UCIOA Except as permitted or required elsewhere

AMENDING DECLARATION					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
	to create or increase Special Declarant Rights		§2-117(h) May not create new special declarant rights that have not expired occur without consent of declarant		
	Amending the Declaration; to increase # of units	§1602-117(d) Unanimous consent of unit owners	§2-117(d) same		MCA & UCIOA Except as permitted or required elsewhere
	Amending the Declaration; to change boundaries of unit	§1602-117(d) Unanimous consent of unit owners	§2-117(d) same		MCA & UCIOA Except as permitted or required elsewhere
	Amending the Declaration; to change allocated interest of unit	§1602-117(d) Unanimous consent of unit owners	§2-117(d) same		MCA & UCIOA Except as permitted or required elsewhere
	Amendment to Declaration; to change uses	§1603-117(d) Unanimous consent needed to "change the uses to which any unit is restricted"	§2-117(f) Vote or agreement; of 80% of votes in association to "prohibit or materially restrict the permitted uses of or behavior in a unit or the number or other qualifications of person who may occupy units"	UCIOA Declaration may specify ➢ larger % or ➢ 80% of votes of a specified group of units affected	MCA & UCIOA Except as permitted or required elsewhere
	Amendment to Declaration; to extent time limits on reserved development	n/a	§2-117(g); ➢ Time limit may be extended if 80% of votes allocated to units not owned by declarant agree;	no	

AMENDING DECLARATION					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
	rights; or add development rights		➢ Person holding affected special declarant rights, or security interest in the rights may record written objection w/i 30 days additional rights created; 80		
	Requirements if declaration requires 80% for Amendment to Declaration	n/a	§2-117(j) Adds requirements if declaration requires 80% vote or agreement for an amendment to the declaration, including: ➢ No unit owners vote against the amendment (unless court); and ➢ Notice is provided to owners who have not voted or agreed; or	n/a	n/a

EXCEPTIONS TO 67% VOTE REQUIREMENT TO AMEND DECLARATION MCA §1602-117 & UCIOA §2-117					
#	Action	➢ MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
32	***Amendment to declaration by Declarant***	➢ §1602-109(f) plats and plans in declaration must be amended upon exercising development rights	§2-109(f) Doesn't apply to co-ops Similar, but see redlined §2-110	n/a	

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EXCEPTIONS TO 67% VOTE REQUIREMENT TO AMEND DECLARATION MCA §1602-117 & UCIOA §2-117					
#	**Action**	**➢ MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
		➢ §1602-110 Must amend to exercise any reserved development right	Similar, but see redlined		
33	***Amendment to declaration by by association***	➢ §1601-107 Requires association to amend the declaration re: allocated if unit or part thereof is acquired by eminent domain and allocated interests need to be reallocated ➢ §1602-106(d) Requires association amend declaration to reallocated interest if # of units decreases ➢ §1602-108(c) - see above ➢ §1602-112(a) - see above ➢ §1602-113 sub-§a requires association to prepare amendment to declaration upon application by unit owner to subdivide the owner's unit	§1-107 – same §2-106(d) – same §2-108(c) - see above §2-112 - see above §2-113 - same	n/a	
34	***Amendment to declaration by unit owners***	➢ §1602-108(b) - see above ➢ **§1602-112** – see above	§2-108(b) – see above		

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EXCEPTIONS TO 67% VOTE REQUIREMENT TO AMEND DECLARATION MCA §1602-117 & UCIOA §2-117					
#	**Action**	**➢ MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
		➢ §1602-113 – see above ➢ §1602-118(b) Requires unit owner to execute an amendment to declaration to subdivide unit	§2-113(b) – see above §2-118(b)		

TERMINATION OF ASSOCIATION					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
14	***Termination of association***	§1602-118(a) by agreement of at least 80% of votes allocated	§2-118(a) by agreement of at least 80% of votes allocated, including 80% of votes allocated to units not owned by declarant	MCA: yes ➢ Larger % or ➢ Smaller %, if all units are restricted exclusively nonresidential UCIOA ➢ Larger % of *total* votes but at least 80% of votes allocated to units not owned by declarant or	MCA & UCIOA excepts termination due to eminent domain UCIOA Also excepts termination due to foreclosure or catastrophe

TERMINATION OF ASSOCIATION					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
				➢ Smaller %, if all units are restricted exclusively nonresidential	
15	***Value at Termination***		§2-118(j)(1)(a) Value is FMV unless disapproved by unit owners of units to which at least 25% of votes are allocated		
16	***Termination of less than all units***	n/a	§2-118(m) ➢ Requires vote specified in sub-§a (see above) AND ➢ 80% of votes allocated to units being terminated	No	none

MASTER ASSOCIATIONS AND MERGERS AND CONSOLIDATIONS					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
17	***Delegation of Power to Master Association***	n/a	§2-120(c) Association may delegate unless timely objection from unit owners of units to which at least 10% of the votes are allocated		

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MASTER ASSOCIATIONS AND MERGERS AND CONSOLIDATIONS					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
18	***Revoke Delegation to Master Association***	§1602-120 If declaration provides, executive board may delegate	§2-120(d) & (e) ➢ Delegation of powers and duties listed in §3-102(a) may be revoked only by amendment to declaration EXCEPT THAT ➢ Unit owners may revoke delegation by majority of votes cast at the meeting		
19	***Merger or Consolidation***	§1602-121(b) "approval by owners of units to which are allocated the % of votes in each required to terminate that condominium "	§2-121(b) same		

BUDGETS AND SPECIAL ASSESSMENTS					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
21	***Ratification of budget***	§1603-103(c) a budget is ratified unless a majority of all unit owners reject the budget at a meeting, a quorum is not required	§3-103(c) refers to §3-123 Same	MCA & UCIOA allow declaration to specify a larger vote	
22	***Special Assessment***	§1603-103(g)(1)	§3-103 - not mentioned	MCA & UCIOA	MCA

BUDGETS AND SPECIAL ASSESSMENTS					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
		a special assessment is ratified unless a majority of all unit owners reject the special assessment at a meeting, a quorum is not required Note: sub-§g does not appear at all in the redlined version	See §3-123(b) - same	Declaration may specify larger vote	➢ If payment of any portion of the proposed special assessment is due after the end of the current budget year, ratification requires approval of "a majority in interest of all unit owners" ➢ To meet an emergency, no ratification needed if assessment does not exceed 2 months of common charges UCIOA See §3-125(f) which allows assessment to become effective immediately, in an emergency, by a 2/3 vote of the board

MEETINGS, QUORUM, VOTING AND PROXIES					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
23	***Call Special Meetings***	§1603(a)(2) ➢ may be called by members as provided in the Nonprofit Corp Act ➢ NCA§602(3) – number or proportion of members needed to call a special meeting is either: o Set in articles of incorp or bylaws; or o members having 1/20th of the votes entitled to be cast	3-108(a)(2) Unit owners having at least 20% of the votes	UCIOA Bylaws may set lower %	
24	***Meeting of Executive Board during Declarant Control***	n/a	§3-108(b)(9) May act by unanimous consent as to any matter		
25	***Quorum at association meeting***	§1603-109(a) quorum deemed present throughout the meeting if, persons entitled to cast 20% of votes "which may be cast in an election of the executive board" are present in person or by	§3-109(a) Differences: ➢ quorum "is present" vs. "deemed present" ➢ must be present at the beginning of the meeting ➢ 20% of the votes in the association	MCA Bylaws may require larger Or smaller, but not less than 10% UCIOA Bylaws may "otherwise provide"	

MEETINGS, QUORUM, VOTING AND PROXIES					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
		proxy at the beginning of the meeting	➢ Allows for attendance by means allowed under §3-108(a)(5) or (6)		
26	***Quorum of executive board meeting***	§1603-109(b) quorum deemed present throughout a meeting if persons entitled to cast 50% of the votes on that board are present at the beginning of the meeting	§3-109(b) – majority	MCA & UCIOA Bylaws may specify a larger percentage	
27	***Voting Requirement, generally***	n/a	§3-110(h) Majority of votes cast determines outcome of vote taken at meeting, with or without quorum, unless a different # or % is required by act or declaration		

MISCELLANEOUS					
#	**Action**	**MCA Requirements**	**UCIOA Requirements**	**Different % Allowed in Declaration or Bylaws**	**Exceptions**
	Addition of Unspecified Real	n/a	§2-122 Gives declarant authority to amend declaration of a	No	none

MISCELLANEOUS					
#	Action	MCA Requirements	UCIOA Requirements	Different % Allowed in Declaration or Bylaws	Exceptions
	Estate in Planned Community		planned community, at any time during time specified in declaration to add real estate but not to exceed 10% of real estate described in the declaration and not to increase # of units beyond # stated in original declaration		
	Assign Right to Future Income	§1603-102(a)(14) Requires a majority of unit owners to approve	§3-102(a)(14) Approval not required	UCIOA Declaration may limit	none
	Repair of replacement insured portions damaged or destroyed	§1603-113(h) Repair or replacement is not required if 80% of unit owners, including every owner of a unit or limited common element votes not to rebuild	§3-113(h)(3) - same	n/a	n/a
	Option for Preexisting to Out Act	n/a	§5-101(d) Preexisting CIC may opt out of application by "vote or agreement of unit owners to which more than 50% of the votes in the association are allocated"		