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Legislative Document

No. 820

S.P. 294

In Senate, March 10, 2015

**An Act To Amend and Clarify Certain Notice and Assessment
Provisions of the Maine Condominium Act**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.

Cosponsored by Senator: CUSHING of Penobscot, Representative: FOLEY of Wells.

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

2 **Sec. 1. 33 MRSA §1603-103, sub-§(c)**, as enacted by PL 1981, c. 699, is
3 amended to read:

4 (c) Within 30 days after adoption of any proposed budget for the condominium, the
5 executive board shall provide a summary of the budget to all the unit owners, and shall
6 set a date for a meeting of the unit owners to consider ratification of the budget not less
7 than ~~44~~ 10 nor more than 30 days after mailing of the summary. Unless at that meeting a
8 majority of all the unit owners or any larger vote specified in the declaration reject the
9 budget, the budget is ratified, whether or not a quorum is present. In the event the
10 proposed budget is rejected, the periodic budget last ratified by the unit owners ~~shall~~ must
11 be continued until such time as the unit owners ratify a subsequent budget proposed by
12 the executive board.

13 **Sec. 2. 33 MRSA §1603-103, sub-§(g)** is enacted to read:

14 (g) The executive board may make a special assessment, subject to the following
15 ratification requirements.

16 (1) A special assessment must be ratified by unit owners in accordance with
17 subsection (c), except that, if payment of any portion of the proposed special
18 assessment is due after the end of the association's current budget year, ratification
19 requires approval of a majority in interest of all unit owners.

20 (2) If the amount of the special assessment does not exceed 2 months' common
21 charges and the board determines that the assessment is necessary to meet an
22 emergency, the board may make the special assessment immediately in accordance
23 with the terms of the board's vote, without ratification by unit owners.

24 **Sec. 3. 33 MRSA §1603-108, first ¶**, as amended by PL 2011, c. 368, §5, is
25 further amended to read:

26 A meeting of the association must be held at least once each year. Special meetings
27 of the association may be called as provided in the Maine Nonprofit Corporation Act.
28 The bylaws must specify which of the association's officers, not less than 10 nor more
29 than 60 days in advance of any meeting, shall cause notice to be hand delivered or sent
30 prepaid by United States' mail to the mailing address of each unit or to any other mailing
31 address designated in writing by the unit owner or sent by electronic means to any other
32 address, including an e-mail address, specifically designated by the unit owner. The
33 notice of any meeting must state the time and place of the meeting and the items on the
34 agenda, including the general nature of any proposed amendment to the declaration or
35 bylaws, any budget changes and any proposal to remove a director or officer.

36 **SUMMARY**

37 This bill amends the Maine Condominium Act in the following ways.

- 1 1. It allows notice of the annual meeting of a unit owners' association to be sent to a
2 unit owner by electronic means to any electronic address designated by the unit owner.
- 3 2. It changes from 14 to 10 the minimum number of days for notice of a budget
4 meeting of a unit owners' association.
- 5 3. It authorizes the executive board of a unit owners' association to make special
6 assessments and specifies the procedure for approving special assessments with certain
7 limitations.