

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SK
ROS

Date 6/14/23

(Filing No S-311)

REPORT A

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 266, L D 649, "An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 33 MRSA c. 28-B is enacted to read

CHAPTER 28-B

PROTECTION OF LOW-IMPACT LANDSCAPING

§1451. Protection of low-impact landscaping

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A "Condominium" has the same meaning as in section 1601-103, subsection (7).

B "Low-impact landscaping" means landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention and create habitat for wildlife. "Low-impact landscaping" includes gardens and other features designed to attract wildlife generally and pollinator species more specifically, rain gardens and other features that use natural biological principles to return rainwater to the soil and to filter rainwater of excess nutrients, and other forms of landscaping or gardening that reduce or eliminate the need for supplemental water from irrigation.

C "Real estate subject to common ownership" means residential real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and that common ownership is in the form of undivided interests in that common portion.

COMMITTEE AMENDMENT

ROS

1 D "Restriction" includes any covenant, restriction or condition contained in a deed,
2 declaration, contract, bylaw, rule or other instrument governing activities on real estate
3 within a condominium or real estate subject to common ownership

4 E "Unreasonable limitation" includes a limitation that significantly increases the cost
5 of low-impact landscaping, significantly decreases the efficiency of low-impact
6 landscaping or requires cultivated vegetation to consist in whole or in part of turf grass

7 **2. Prohibition.** A restriction established on or after January 1, 2024 may not put an
8 unreasonable limitation on low-impact landscaping on any portion of a condominium or
9 real estate subject to common ownership that is not subject to common ownership and that
10 the owner has the right to exclusive use of as long as the owner maintains and regularly
11 tends to the low-impact landscaping

12 **3. Construction; application.** This section may not be construed to prohibit a
13 restriction relating to reasonable design and aesthetic guidelines regarding the type, number
14 and location of low-impact landscaping features This section does not apply to a
15 restriction on historic property that is listed in or determined by the Maine Historic
16 Preservation Commission to be eligible for inclusion in the National Register of Historic
17 Places'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
19 number to read consecutively

SUMMARY

21 This amendment replaces the bill The amendment limits the prohibition established
22 within the bill to prohibit restrictions on low-impact landscaping established on or after
23 January 1, 2024 that apply to condominiums or other real estate subject to common
24 ownership

COMMITTEE AMENDMENT