

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 649

S.P. 266

In Senate, February 14, 2023

**An Act to Promote Water Conservation and Water Quality and
Create Habitat for Wildlife, Including Pollinator Species, by
Protecting Low-impact Landscaping**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.
Cosponsored by Representative TERRY of Gorham and
Senators: CARNEY of Cumberland, HICKMAN of Kennebec, INGWERSEN of York,
Representatives: DODGE of Belfast, DOUDERA of Camden, MILLETT of Cape Elizabeth,
O'NEIL of Saco, WARREN of Scarborough.

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

2 **Sec. 1. 33 MRSA c. 28-B** is enacted to read:

3 **CHAPTER 28-B**

4 **PROTECTION OF LOW-IMPACT LANDSCAPING**

5 **§1451. Protection of low-impact landscaping**

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

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

15 B. "Restriction on use" includes any covenant, restriction or condition contained in a
16 deed, declaration, contract, condominium or homeowners association bylaws or rule or
17 security instrument or other instrument affecting the transfer or sale of real property or
18 other interest in real property.

19 C. "Unreasonable limitation" includes a limitation that significantly increases the cost
20 of low-impact landscaping, significantly decreases the efficiency of low-impact
21 landscaping or requires cultivated vegetation to consist in whole or in part of turf grass.

22 **2. Prohibition.** A restriction on use regarding real property may not put an
23 unreasonable limitation on low-impact landscaping if the property owner owns or has the
24 right to exclusive use of the property and maintains and regularly tends to the low-impact
25 landscaping.

26 **3. Construction; application.** This section may not be construed to prohibit a
27 restriction on use from including reasonable design and aesthetic guidelines regarding the
28 type, number and location of low-impact landscaping features. This section does not apply
29 to a restriction on use on historic property that is listed in or determined by the Maine
30 Historic Preservation Commission to be eligible for inclusion in the National Register of
31 Historic Places.

32 **SUMMARY**

33 This bill prohibits certain restrictions on landscaping techniques that conserve water,
34 lower maintenance costs, provide pollution prevention and create habitat for wildlife. The
35 restrictions that are prohibited are those that would increase costs, decrease efficiency or
36 require the use in whole or in part of turf grass.