



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1132

S.P. 453

In Senate, March 18, 2025

### An Act to Further Protect Low-impact Landscaping

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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 President DAUGHTRY of Cumberland.  
Cosponsored by Representative HENDERSON of Rumford and  
Senators: HICKMAN of Kennebec, INGWERSEN of York, Representatives: ANKELES of  
Brunswick, DODGE of Belfast, DOUDERA of Camden, SATO of Gorham.

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

2 **Sec. 1. 33 MRSA §1451, sub-§1, ¶A-1** is enacted to read:

3 A-1. "Limited common element" has the same meaning as in section 1601-103,  
4 subsection (16).

5 **Sec. 2. 33 MRSA §1451, sub-§2,** as enacted by PL 2023, c. 376, §1, is amended to  
6 read:

7 **2. Prohibition.** A restriction may not prohibit or put an unreasonable limitation on  
8 low-impact landscaping on any portion of a condominium or real estate subject to common  
9 ownership ~~that is not subject to common ownership and that the owner has the right to~~  
10 ~~exclusive use of, including limited common elements,~~ as long as the owner maintains and  
11 regularly tends to the low-impact landscaping. Pesticides may not be applied to limited  
12 common elements or land within 50 feet of a unit without the express permission of the  
13 unit owner.

14 **SUMMARY**

15 This bill prohibits any instrument, such as a deed or bylaw, governing activities on real  
16 estate within a condominium or real estate subject to common ownership from prohibiting  
17 low-impact landscaping on any portion of a condominium or real estate subject to common  
18 ownership, including limited common elements. It also prohibits the application of  
19 pesticides on limited common elements or land within 50 feet of a unit without the express  
20 permission of the unit owner.