

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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**

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

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.

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

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

2. Prohibition. A restriction may not put an unreasonable limitation on low-impact landscaping on any portion of a condominium or real estate subject to common ownership that is not subject to common ownership and that the owner has the right to exclusive use of as long as the owner maintains and regularly tends to the low-impact landscaping.

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