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.

Presented by Senator DAUGTHRY 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.
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. "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.

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

C. "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 on use regarding real property may not put an unreasonable limitation on low-impact landscaping if the property owner owns or has the right to exclusive use of the property and maintains and regularly tends to the low-impact landscaping.

3. Construction; application. This section may not be construed to prohibit a restriction on use from including 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 use 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.

SUMMARY

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