



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1132

S.P. 453

In Senate, March 18, 2025

An Act to Further Protect Low-impact Landscaping

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name.

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.

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

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

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

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

2. Prohibition. A restriction may not prohibit or 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, including limited common elements,~~ as long as the owner maintains and regularly tends to the low-impact landscaping. Pesticides may not be applied to limited common elements or land within 50 feet of a unit without the express permission of the unit owner.

SUMMARY

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