



Committee on Judiciary
% Legislative Information Office
100 State House Station
Augusta, ME 04333

May 8, 2023

RE: LD 649, "An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping"

Dear Senator Carney, Representative Moonen, and Members of the Committee,

Thank you for the opportunity to submit testimony in support of LD 649, "An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping", on behalf of Maine Audubon and our 30,000 members, supporters, and volunteers.

For several years, Maine Audubon has been expanding programming around the critical value of wildlife-friendly plants to our state. At its heart, our "Bringing Nature Home Program" is about restoring and rebuilding Maine's natural biodiversity by planting the native wildflowers, shrubs, and trees that support the widest array of wildlife. Maine Audubon supports this bill because we view it as an important strategy among many for supporting biodiversity in our - literal - backyards.

As our population grows, wild landscapes are increasingly replaced with suburban backyards and grass lawns punctuated with non-native perennials and shrubs that support very few species of wildlife. In fact, the United States has planted over 62,500 square miles – some 40 million acres – of lawn! That is almost twice the land area of Maine! Even a modest increase in native plant cover on suburban properties would greatly increase the diversity of insects, birds, and other animals that use those landscapes and, in turn, strengthen Maine's and the nation's biodiversity. Unfortunately, individual attempts to transition from "traditional" lawns and gardens to native selections can face obstacles.

In a well-publicized case in Maryland, Janet and Jeff Crouch's homeowners association ordered them to replace their wildlife-friendly, native plantings with turf grass.¹ This came after more than a decade of incremental steps taken to transform their landscape into a wildlife oasis. If

¹ See "They Fought the Lawn. And the Lawn's Done", published in The New York Times, December 14, 2022.

forced to convert the space back to turf grass, over a decade of environmental restoration would be erased in a matter of days. The couple sued and, subsequently, Maryland lawmakers passed legislation to limit homeowner association control over “eco-friendly” yards. LD 649 is consistent with that effort and similar efforts in other states.

Native plants are critical to Maine's landscape in that they provide ecological services that non-native plants do not. For example, *Euonymus alatus* or burning bush was long used as a popular ornamental shrub for its red color in the fall. It is now banned from nursery sales as we've realized its invasiveness. Additionally, our native insects have not evolved to eat its foliage. When a plant such as burning bush spreads across a landscape, it displaces natives such as highbush blueberry, which provides similar fall color and hosts over 300 caterpillar species.

Most lawns are comprised of non-native fescue grasses, often requiring irrigation and other additional resources, because it is not a naturally occurring landscape in Maine. Alternatively, meadows are a type of grassland made up of native grasses and perennials which do occur naturally in Maine and support large numbers of wildlife. Traditional lawns may serve a worthy landscape function for social gatherings and play. If desired, those areas should be designed as such, and the remaining space could be converted to meadow.

Another component of native lawn care is the practice of ‘leaving the leaves’. Every year homeowners and landscapers spend countless hours removing fallen leaves off of lawns. Fallen leaves provide critical habitat for overwintering insects, which provide food for birds and other wildlife. Additionally, if using a lawn mower or gas powered leaf blower, leaf removal is a highly polluting process, both through Co2 emissions and noise pollution.

Stormwater and water quality are another critical component of ecological landscape practices. As precipitation falls on developed areas, landing on rooftops, pavement, and other non-porous surfaces, it collects pollutants such as oils, chemicals, nutrients and litter. This polluted water flows from our homes into stormwater collection drains, eventually entering larger bodies of water, damaging that ecosystem. Natural landscapes act as a sponge, absorbing rainfall into the ground, replenishing groundwater. We can mimic natural landscapes in our yards with designs such as rain gardens, meadows, no-mow lawns, and preservation of shrublands and woodlands.

As Maine’s population grows, and development pressure increases, ecological landscaping practices will become critical to preserving our natural environment. In the face of this development pressure, Maine Audubon sees a great need for legislation that protects low impact landscaping. We strongly encourage the Committee to support this legislation.

Sincerely,

Andrew Tufts
“Bringing Nature Home” Manager