

## CHAPTER 8-G

### MAINE VEGETABLE GARDEN PROTECTION ACT

#### §291. Short title

This chapter may be known and cited as "the Maine Vegetable Garden Protection Act." [PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

#### §292. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 309, §14 (NEW).]

**1. Food forest.** "Food forest" means a diverse planting of edible plants that attempts to mimic the ecosystems and patterns found in nature.

[PL 2025, c. 309, §14 (NEW).]

**2. Permaculture.** "Permaculture" means sustainable landscape design and ecosystems based on a diversified crop of perennial trees, shrubs, herbs, vegetables, weeds, fungi and root systems that weave together microclimate, annual and perennial plants, soils, water management, wildlife and human needs into intricately connected, productive communities.

[PL 2025, c. 309, §14 (NEW).]

**3. Vegetable garden.** "Vegetable garden" means any plot of ground or elevated soil bed on residential property where annual or perennial vegetables, herbs, fruits, flowers, pollinator plants, leafy greens or other food-producing plants are cultivated.

[PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

#### §293. Right to cultivate vegetable gardens

Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section 25, and notwithstanding any provision of law to the contrary, an individual has the right to cultivate vegetable gardens on the individual's property or on the private property of another with the permission of the owner of that property, in any municipality, village, plantation, county, unorganized territory or other political subdivision of this State. [PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

#### §294. Permaculture, edible landscaping, food forests and community gardens

Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section 25, any political subdivision of the State may develop and implement a program to promote permaculture and establish edible landscaping, food forests and community gardens in public spaces, including publicly owned properties, rights-of-way, school grounds, parks and parking lots. [PL 2025, c. 309, §14 (NEW).]

A political subdivision of the State that develops and implements a program under this section may seek and accept money from public and private sources for the development and maintenance of

permaculture, edible landscaping, food forests or community gardens and collaborate with local, state or regional public or private entities with expertise in the design and maintenance of permaculture, edible landscaping, food forests or community gardens. [PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

#### **§295. No prohibition or regulation**

Pursuant to the right to food as declared in the Constitution of Maine, Article I, Section 25, and notwithstanding any provision of law to the contrary, the State or any political subdivision of the State may not prohibit or regulate vegetable gardens, permaculture, edible landscaping, food forests or community gardens in a manner inconsistent with this chapter. [PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

#### **§296. Construction**

This chapter may not be construed to prohibit the adoption of an ordinance or regulation pursuant to the home rule authority granted to municipalities by the Constitution of Maine, Article VIII, Part Second; the powers granted to villages, plantations, counties or other political subdivisions of the State by Title 30-A; the powers granted to the Maine Land Use Planning Commission by Title 12; and the powers granted to the Department of Environmental Protection by Title 38 of a general nature that does not solely or specifically apply to vegetable gardens, permaculture, edible landscaping, food forests or community gardens, including, but not limited to, ordinances or regulations relating to setbacks, water quality, plant and animal habitats, water use, fertilizer use, pesticide use or control of invasive species, as long as the ordinance or regulation does not have the effect of precluding vegetable gardens, permaculture, edible landscaping, food forests or community gardens in any political subdivision of the State. [PL 2025, c. 309, §14 (NEW).]

#### SECTION HISTORY

PL 2025, c. 309, §14 (NEW).

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