**CHAPTER 28-A**

**SOLAR RIGHTS**

**§1421. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 273, §2 (NEW).]

**1. Legal instrument.**  "Legal instrument" includes:

A. Municipal ordinances, bylaws or regulations that directly regulate the installation or use of solar energy devices on residential property; [PL 2009, c. 273, §2 (NEW).]

B. Rules, bylaws or regulations of an association of property owners, including but not limited to a homeowners association, unit owners association or condominium owners association; and [PL 2009, c. 273, §2 (NEW).]

C. Deed restrictions, restrictive covenants, declarations, contracts or similar binding agreements. [PL 2009, c. 273, §2 (NEW).]

[PL 2009, c. 273, §2 (NEW).]

**2. Residential property.**  "Residential property" means real property located in this State that is used for residential dwelling purposes.

[PL 2009, c. 273, §2 (NEW).]

**3. Solar clothes-drying device.**  "Solar clothes-drying device" means a clothes line, drying rack or other equipment used for solar drying of clothing.

[PL 2009, c. 273, §2 (NEW).]

**4. Solar collector.**  "Solar collector" means a device, structure or part of a device or structure that is designed and used to transform solar energy into thermal, chemical or electrical energy to meet the water heating, space heating, space cooling or electricity generation requirements of one residential dwelling.

[PL 2009, c. 273, §2 (NEW).]

**5. Solar energy device.**  "Solar energy device" means a solar collector or solar clothes-drying device.

[PL 2009, c. 273, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 273, §2 (NEW).

**§1422. Policy**

It is the policy of the State to promote the use of solar energy and to avoid unnecessary obstacles to the use of solar energy devices. [PL 2009, c. 273, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 273, §2 (NEW).

**§1423. Use and installation of solar energy devices**

**1. Application.**  This section applies to a legal instrument adopted or created after September 30, 2009 that defines or limits the rights or privileges of owners or renters with respect to the use of residential property.

[PL 2009, c. 273, §2 (NEW).]

**2. Right to install and use solar energy devices.**  Except as provided in subsections 3 and 4, a legal instrument subject to this section may not prohibit a person from installing or using:

A. A solar energy device on residential property owned by that person; or [PL 2009, c. 273, §2 (NEW).]

B. A solar clothes-drying device on residential property leased or rented by that person. [PL 2009, c. 273, §2 (NEW).]

[PL 2009, c. 273, §2 (NEW).]

**3. Exception.**  A legal instrument subject to this section may prohibit the installation and use of solar energy devices on residential property in common ownership with 3rd parties or common elements of a condominium.

[PL 2009, c. 273, §2 (NEW).]

**4. Reasonable restrictions.**  A legal instrument subject to this section may include reasonable restrictions on the installation and use of a solar energy device. For the purposes of this section, a reasonable restriction is any restriction that is necessary to protect:

A. Public health and safety, including but not limited to ensuring safe access to and rapid evacuation of buildings; [PL 2009, c. 273, §2 (NEW).]

B. Buildings from damage; [PL 2009, c. 273, §2 (NEW).]

C. Historic or aesthetic values, when an alternative of reasonably comparable cost and convenience is available; or [PL 2009, c. 273, §2 (NEW).]

D. Shorelands under shoreland zoning provisions pursuant to Title 38, chapter 3, subchapter 1, article 2‑B. [PL 2009, c. 273, §2 (NEW).]

[PL 2009, c. 273, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 273, §2 (NEW).

**§1424. Limitation**

This chapter does not supersede any existing authority of any entity to adopt and enforce any laws, rules or regulations on any matter other than the installation and use of solar energy devices on residential property. [PL 2009, c. 273, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 273, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.