

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 997

H. P. 801

House of Representatives, March 5, 1979

On Motion of Mr. Blodgett of Waldoboro, referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

Cosponsors: Mr. Cloutier of South Portland, Mr. Hobbins of Saco and Mr. Davis of Monmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Allow for Private Voluntary Creation and Conveyance of Solar Easements.

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

33 MRSA c. 28 is enacted to read:

CHAPTER 28

SOLAR EASEMENTS

§ 1401. Establishment of solar easements

Any easement obtained for the purpose of ensuring access to direct sunlight shall be created in writing and shall be an interest in real property that may be acquired and transferred and shall be recorded and indexed in the same way as other conveyances of real property interests. Solar easements shall be appurtenant and run with the land benefited and burdened, and shall be subject to court decreed abandonment and other limitations provided by law.

§ 1402. Contents of solar easements. Any instrument creating a solar easement shall include, but the contents shall not be limited to:

- 1. Description. A definite and certain description of the space affected by that easement; and**
- 2. Terms or conditions. Any terms or conditions under which the solar easement is granted or will be terminated, or is otherwise limited.**

STATEMENT OF FACT

This bill is intended to assist and encourage the use of solar energy in Maine. Users of solar energy devices require access to direct sunlight, which can often be interfered with by buildings or vegetation on neighboring property. This bill will allow access to sunlight to be protected by the purchase of privately negotiated easements over neighboring property. These easements shall be recorded and indexed in the same way as other real property interests, and shall be appurtenant and run with the land benefited.