

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 920**

H. P. 775

House of Representatives, February 19, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Huber of Falmouth.

Cosponsors: Representative Davis of Monmouth, Representative Livesay of Brunswick and Representative Hobbins of Saco.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Encourage Solar Easements.**

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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 must be created in writing and must be in 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 must be appurtenant and run with the land benefited and burdened, and are subject to court decreed abandonment and other limitations provided by law.

**§ 1402. Contents of solar easements**

Any instrument creating a solar easement includes, but the contents are not limited to:

1. **Description.** A definite and certain description of the space affected by

that easement which may include the vertical and horizontal angles at which the solar easement extends over the real property subject to the solar easements;

2. **Terms and conditions.** Any terms and conditions under which the solar easement is granted will be terminated, or as otherwise limited, which may include any of the following:

- A. **The consideration paid for the easement;**
- B. **The time of day during which there may not be an obstruction of sunlight on the solar energy collectors on the real property benefited by the easement;**
- C. **A statement of the responsibilities of the owner of the burdened property and the rights of the owner of the benefited property to prevent or remove any obstruction or to trim or cut any vegetation that currently or in the future will shadow a solar energy system on property benefited by the solar easement;**
- D. **Any provisions for compensation or enforcement of the easement of the owner of the real property benefiting from the solar easement in the event of interference of the enjoyment of the solar easement; and**
- E. **Any exceptions from the operation of the solar easement for utility lines, antennae, wires and poles; and**

3. **Map.** The easement may contain a map showing the affected properties and the area protected by the easement. In the case of an inconsistency between the written easement and the map, the written easement shall control.

#### 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 interest, and shall be appurtenant and run with the land benefited.