

MAINE STATE LEGISLATURE

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Minority
UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 62, L.D. 73, Bill, "An Act To Protect the Right To Use Solar Energy"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 30-A MRSA §3013 is enacted to read:

§3013. Solar energy devices; ordinances

An ordinance, bylaw or regulation adopted by a municipality or political subdivision on or after September 30, 2009 that directly regulates the installation or use of solar energy devices on residential property must comply with the requirements of Title 33, chapter 28-A. For the purposes of this section, "solar energy device" has the same meaning as in Title 33, section 1421, subsection 4.

Sec. 2. 33 MRSA c. 28-A is enacted to read:

CHAPTER 28-A

SOLAR RIGHTS

§1421. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

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

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

3. 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

1 electrical energy to meet the water heating, space heating, space cooling or electricity
2 generation requirements of one residential dwelling.

3 4. Solar energy device. "Solar energy device" means a solar collector or solar
4 clothes-drying device.

5 **§1422. Use and installation of solar energy devices**

6 **1. Application.** This section applies to any ordinance, bylaw or regulation adopted
7 by a municipality or political subdivision on or after September 30, 2009 that directly
8 regulates the installation or use of solar energy devices on residential property.

9 **2. Right to install and use solar energy devices.** Except as provided in subsection
10 3, an ordinance, bylaw or regulation subject to this section may not unnecessarily prohibit
11 or restrict an owner of residential property from installing or using a solar energy device
12 on the owner's property.

13 **3. Reasonable restrictions.** An ordinance, bylaw or regulation subject to this section
14 may include reasonable restrictions on the installation and use of a solar energy device.
15 For the purposes of this section, a reasonable restriction is any restriction that is necessary
16 to:

17 A. Protect public health and safety, including but not limited to ensuring rapid
18 evacuation in the event of an emergency and preventing safety hazards;

19 B. Protect buildings from damage;

20 C. Protect historic or aesthetic values;

21 D. Comply with state regulations;

22 E. Ensure safe access to buildings; or

23 F. Protect shorelands under shoreland zoning provisions pursuant to Title 38, chapter
24 3, subchapter 1, article 2-B.'

25 **SUMMARY**

26 This amendment is the minority report of the committee. This amendment, like the
27 majority report, replaces the bill with more specific provisions regarding protections for
28 the installation and use of solar energy devices, including solar collectors and solar
29 clothes-drying devices, on residential property, but is more limited in scope and
30 application than the majority report. This amendment specifies that an ordinance, bylaw
31 or regulation adopted by a municipality or political subdivision on or after September 30,
32 2009 that directly regulates the installation or use of solar energy devices may not
33 unnecessarily prohibit or restrict an owner of residential property from installing or using
34 a solar energy device on the owner's property, subject to reasonable restrictions.
35 Reasonable restrictions are permitted as necessary to protect public health and safety,
36 buildings, shorelands and historic or aesthetic values, to comply with state regulations
37 and to ensure safe access to buildings.