

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 73

H.P. 62

House of Representatives, January 7, 2009

### **An Act To Protect the Right To Use Solar Energy**

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HINCK of Portland.  
Cosponsored by Representatives: AUSTIN of Gray, PIOTTI of Unity, PLUMMER of  
Windham, WAGNER of Lyman, WEBSTER of Freeport, Senators: ALFOND of Cumberland,  
GOODALL of Sagadahoc, NUTTING of Androscoggin.

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

2 **Sec. 1. 35-A MRSA §10009** is enacted to read:

3 **§10009. Use of solar collectors and equipment for solar drying of clothing**

4 Notwithstanding any other provision of law, a public or private entity, as appropriate,  
5 may not adopt or enforce any law, ordinance, bylaw, rule, deed restriction, covenant,  
6 declaration, contract or other binding agreement or regulatory measure that prohibits or  
7 has the effect of prohibiting a person from installing or using solar collectors or clothes  
8 lines or other equipment for the solar drying of clothing.

9 When necessary to protect access to buildings, to protect historic or aesthetic values  
10 or to ensure rapid evacuation of buildings in case of fire or other emergency, a public or  
11 private entity may use its powers or rights to limit the installation and use of solar  
12 collectors or clothes lines or other equipment for the solar drying of clothing by a person  
13 if the entity provides the person with alternatives that do not impair the effective  
14 installation and use of the solar collectors or clothes lines or other equipment for the solar  
15 drying of clothing.

16 Any provision within a law, ordinance, bylaw, rule, deed restriction, covenant,  
17 declaration, contract or other binding agreement or regulatory measure in existence on the  
18 effective date of this section that conflicts with this section is void as of the effective date  
19 of this section.

20 In any litigation arising under the provisions of this section, the prevailing party is  
21 entitled to costs and reasonable attorney's fees.

22 **SUMMARY**

23 This bill prohibits restriction by law, ordinance, regulation, deed, covenant or  
24 contract on the installation and use of solar collectors, clothes lines and other equipment  
25 for the solar drying of clothing.