

§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).

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