

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2127

H.P. 1517

House of Representatives, March 3, 2020

**An Act To Support Farmland Preservation by Allowing the Siting of  
Solar Energy Installations on Land Enrolled in the Farm and Open  
Space Tax Law Program**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BERRY of Bowdoinham.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: GATTINE of Westbrook, HICKMAN of Winthrop, PIERCE of Falmouth,  
Senator: DILL of Penobscot.

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

2 **Sec. 1. 36 MRSA §1105-A** is enacted to read:

3 **§1105-A. Farmland used for solar energy production**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 **A. "Agricultural soil" means:**

7 (1) Land classified by the United States Department of Agriculture, Natural  
8 Resources Conservation Service pursuant to 7 Code of Federal Regulations,  
9 Section 657.5 as:

10 (a) Prime farmland;

11 (b) Unique farmland;

12 (c) Farmland of statewide importance; or

13 (d) Farmland of local importance; and

14 (2) Land characterized by active agricultural use.

15 **B. "Approved solar energy installation" means the siting of solar energy equipment**  
16 **that:**

17 (1) Meets the rules established by the Department of Agriculture, Conservation  
18 and Forestry, pursuant to subsection 3, including the capability of being easily  
19 dismantled;

20 (2) Does not occupy more than 50% of farmland consisting of agricultural soil;

21 (3) If the portion of the parcel on which the solar energy equipment is located  
22 consists of wooded portions enrolled as farmland under this subchapter, does not  
23 occupy wooded portions that exceed 10 acres; and

24 (4) Is not located in a significant wildlife habitat as defined in Title 38, section  
25 480-B, subsection 10, the habitat of an endangered species as defined in Title 12,  
26 section 10001, subsection 19 or a threatened species as defined in Title 12,  
27 section 10001, subsection 62, a rare or exemplary natural community or  
28 ecosystem as determined by the State's Natural Areas Program database or a  
29 shoreland zone as defined in Title 38, section 482, subsection 4-F.

30 **C. "Solar energy equipment" means all controls, tanks, pumps, heat exchangers,**  
31 **collectors and all other equipment necessary for the collection, transfer and storage of**  
32 **solar energy.**

33 **2. Use of farmland for approved solar energy installation.** For property tax years  
34 beginning on or after April 1, 2020, notwithstanding any provision of law to the contrary,  
35 a portion of a parcel that is classified as farmland and enrolled under this subchapter as of  
36 April 1, 2020 may be used for the siting of an approved solar energy installation without  
37 the withdrawal of that portion from classification as farmland under this subchapter.

