

MAINE STATE LEGISLATURE

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L.D. 900

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Date: 6-14-21

(Filing No. H-617)

MINORITY

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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 656, L.D. 900, "An Act To Facilitate the Recycling of Clean Energy Equipment"

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11

Amend the bill by striking out the title and substituting the following:

12

'An Act To Address Waste Associated with Solar Energy Equipment'

13

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

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'Sec. 1. 5 MRSA §1764, sub-§3, ¶C, as repealed and replaced by PL 1977, c. 563, §2, is amended to read:

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C. The effect of insulation incorporated into the facility design and the effect on solar utilization to the properties of external surfaces, including the costs of recycling;

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Sec. 2. 5 MRSA §1764, sub-§3, ¶F, as enacted by PL 2007, c. 671, §3, is amended to read:

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F. The cost-effectiveness of integrating wind or solar electricity generating equipment into the design and construction of the facility, including the costs of recycling.

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Sec. 3. 5 MRSA §15312 is enacted to read:

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§15312. Funding of recycling process development, equipment and facility

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Notwithstanding any provision of law to the contrary, funds appropriated by the Legislature for the use of the institute may be allocated pursuant to Title 35-A, section 3477, subsection 3.

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Sec. 4. 5 MRSA §15322, sub-§4, ¶C is enacted to read:

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C. Notwithstanding any provision of law to the contrary, funds appropriated by the Legislature for the use of the institute may be allocated pursuant to Title 35-A, section 3477, subsection 3.

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Sec. 5. 30-A MRSA §3013, as enacted by PL 2009, c. 273, §1, is amended to read:

COMMITTEE AMENDMENT

1 **§3013. Solar energy devices equipment; ordinances**

2 A municipal ordinance, bylaw or regulation adopted after September 30, 2009 that
3 directly regulates the installation or use of solar energy ~~devices~~ equipment on residential
4 property must comply with the requirements of Title 33, chapter 28-A. For the purposes
5 of this section, "solar energy ~~device~~ equipment" has the same meaning as in ~~Title 33,~~
6 ~~section 1421, subsection 5~~ Title 10, section 1492, subsection 1.

7 **Sec. 6. 33 MRSA §1421, sub-§1, ¶A**, as enacted by PL 2009, c. 273, §2, is
8 amended to read:

9 A. Municipal ordinances, bylaws or regulations that directly regulate the installation
10 or use of solar energy ~~devices~~ equipment on residential property;

11 **Sec. 7. 33 MRSA §1421, sub-§5**, as enacted by PL 2009, c. 273, §2, is amended to
12 read:

13 **5. Solar energy ~~device~~ equipment.** "Solar energy ~~device~~ equipment" ~~means a solar~~
14 ~~collector or solar clothes-drying device~~ has the same meaning as in Title 10, section 1492,
15 subsection 1.

16 **Sec. 8. 33 MRSA §1422**, as enacted by PL 2009, c. 273, §2, is amended to read:

17 **§1422. Policy**

18 It is the policy of the State to promote the use of solar energy and to avoid unnecessary
19 obstacles to the use of solar energy ~~devices~~ equipment.

20 **Sec. 9. 33 MRSA §1423**, as enacted by PL 2009, c. 273, §2, is amended to read:

21 **§1423. Use and installation of solar energy ~~devices~~ equipment**

22 **1. Application.** This section applies to a legal instrument adopted or created after
23 September 30, 2009 that defines or limits the rights or privileges of owners or renters with
24 respect to the use of residential property.

25 **2. Right to install and use solar energy ~~devices~~ equipment.** Except as provided in
26 subsections 3 and 4, a legal instrument subject to this section may not prohibit a person
27 from installing or using:

28 A. ~~A solar~~ Solar energy ~~device~~ equipment on residential property owned by that
29 person; or

30 B. A solar clothes-drying device on residential property leased or rented by that person.

31 **3. Exception.** A legal instrument subject to this section may prohibit the installation
32 and use of solar energy ~~devices~~ equipment on residential property in common ownership
33 with 3rd parties or common elements of a condominium.

34 **4. Reasonable restrictions.** A legal instrument subject to this section may include
35 reasonable restrictions on the installation and use of a solar energy ~~device~~ equipment. For
36 the purposes of this section, a reasonable restriction is any restriction that is necessary to
37 protect:

38 A. Public health and safety, including but not limited to ensuring safe access to and
39 rapid evacuation of buildings;

40 B. Buildings from damage;

1 C. Historic or aesthetic values, when an alternative of reasonably comparable cost and
2 convenience is available; or

3 D. Shorelands under shoreland zoning provisions pursuant to Title 38, chapter 3,
4 subchapter 1, article 2-B.

5 **Sec. 10. 33 MRSA §1424**, as enacted by PL 2009, c. 273, §2, is amended to read:

6 **§1424. Limitation**

7 This chapter does not supersede any existing authority of any entity to adopt and
8 enforce any laws, rules or regulations on any matter other than the installation and use of
9 solar energy ~~devices~~ equipment on residential property.

10 **Sec. 11. 35-A MRSA §3471-A** is enacted to read:

11 **§3471-A. Definitions**

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

14 **1. Solar energy equipment.** "Solar energy equipment" has the same meaning as in
15 Title 10, section 1492, subsection 1. "Solar energy equipment" includes solar panels.

16 **Sec. 12. 35-A MRSA §3475** is enacted to read:

17 **§3475. Prevention of solar panel deterioration; disposal; recycling; registration**

18 In order to prevent or minimize the potential damage from deterioration of a solar
19 panel, the following requirements must be implemented.

20 **1. Disposal.** A person may not dispose of a solar panel in whole or in part in landfills,
21 dumps, transfer stations or in any other place. Solar panels may not be considered to be
22 electronic waste under Title 38, section 1610.

23 **2. Recycling.** Solar energy equipment must be recycled by a solar energy equipment
24 recycling facility approved by the Department of Environmental Protection using a solar
25 energy equipment recycling process approved by the Department of Environmental
26 Protection that prevents transmission into the air, soil or water of Department of
27 Environmental Protection chemicals of high concern pursuant to Title 38, section 1693,
28 allergens or any other irritants harmful to flora and fauna.

29 **3. Registration.** At the time of purchase of a solar panel, the seller of the solar panel
30 shall register the solar panel with the Department of Environmental Protection. The
31 registration must identify the solar panel's specific brand, size, model, serial number,
32 location and any other information necessary to ensure the proper tracking and future
33 disposal of the solar panel.

34 **4. Purchase fee; tracking.** A \$25 fee per solar panel must be assessed at the time of
35 purchase in order to ensure adequate tracking of solar panel installations and proper
36 disposal.

37 **5. Purchase fee; recycling.** A \$100 fee per solar panel must be assessed at the time
38 of purchase in order to ensure proper and timely recycling.

39 **6. Position funded.** Fees collected pursuant to subsections 4 and 5 may be used only
40 to fund full-time equivalent positions established solely for the purpose of tracking
41 purchases and dispositions of solar panels in the State and the proper disposal of solar

1 panels that are damaged, that have reached the end of their useful life or that are
2 nonfunctional; persons filling the full-time equivalent positions may be personnel of the
3 Department of Environmental Protection or of a solar energy equipment recycling facility
4 approved by the Department of Environmental Protection under subsection 2.

5 **7. Inspection.** An authorized agent of the Department of Environmental Protection or
6 of the municipality where a solar panel is installed may enter upon and inspect the
7 functionality and wear of an installed solar panel and the quality of the surrounding
8 environment once every 5 calendar years in order to detect and prevent the transmission
9 into the environment of chemicals of high concern described under subsection 2.

10 **8. Maintenance.** An owner of a solar panel shall ensure the solar panel is kept in a
11 functional and well-maintained state in order to prevent the transmission of chemicals of
12 high concern described under subsection 2 into the air, soil, water or surrounding
13 environment and to protect the air, soil, water or surrounding environment and inhabitants
14 near the solar panel installation area from being adversely affected.

15 **9. Take-back locations.** An approved solar energy equipment recycling facility under
16 subsection 2 must set up regional take-back events in locations to receive solar energy
17 equipment for recycling.

18 **10. Tracking information is public.** Information gathered for tracking purposes
19 pursuant to this section is a public record within the meaning of Title 1, chapter 13,
20 subchapter 1.

21 **Sec. 13. 35-A MRSA §3476 is enacted to read:**

22 **§3476. Insurance**

23 All property where solar panels are installed must carry insurance that pays the full
24 costs of recycling solar panels damaged in any form of catastrophe; insurance companies
25 issuing insurance to cover this liability shall pay any such costs before any other
26 distributions of proceeds of the insurance.

27 **Sec. 14. 35-A MRSA §3477 is enacted to read:**

28 **§3477. Funding of recycling process development, equipment and facility**

29 **1. Recycling process funding.** The State shall fund the development of a recycling
30 process meeting the requirements of section 3475, subsection 2 that recycles 95% of solar
31 panels regardless of a solar panel's manufacturer or engineering. The State may allocate
32 up to \$2,500,000 for grants, to be funded from the Regional Greenhouse Gas Initiative
33 Trust Fund under section 10109, subsection 4, paragraph K, for this purpose.

34 **2. Equipment and facility funding.** The State shall allocate up to \$2,500,000 for
35 grants, to be funded from the Regional Greenhouse Gas Initiative Trust Fund under section
36 10109, subsection 4, paragraph K, to fund the design and construction of recycling
37 equipment and an approved recycling facility under section 3475, subsection 2 to
38 implement the recycling process under subsection 1.

39 **3. Other sources of funding.** The State may allocate funds from the Maine Solid
40 Waste Management Fund under Title 38, section 2201, the Maine Solid Waste Diversion
41 Grant Program under Title 38, section 2201-B and the Maine Technology Institute under
42 Title 5, section 15312 and any other available government funding to further the purposes
43 of subsections 1 and 2.

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Sec. 15. 35-A MRS §3478 is enacted to read:

§3478. Penalties

1. Improper disposal. A person may not dispose of solar energy equipment in a manner other than an approved recycling process under section 3475, subsection 2. A person who violates this subsection commits a civil violation for which a fine equal to the costs to recover, retrieve and recycle the solar energy equipment in an approved manner must be imposed.

2. Failure to register. A seller of a solar panel who fails to register identification information including serial numbers of any solar energy equipment pursuant to section 3475, subsection 3 commits a civil violation for which a fine of up to \$250 per unit of solar energy equipment must be imposed. A fine imposed pursuant to this subsection must be recorded as an addendum to the deed of the property in the registry of deeds on which the solar energy equipment is installed.

3. Refusal to permit inspection. A person who refuses to permit inspection of any solar energy equipment pursuant to section 3475, subsection 7 commits a civil violation for which a fine of up to \$250 per unit of solar energy equipment must be imposed. A fine imposed pursuant to this subsection must be recorded as an addendum to the deed of the property in the registry of deeds on which the solar energy equipment is installed.

Sec. 16. 35-A MRS §10109, sub-§4, ¶K is enacted to read:

K. Notwithstanding any provision of law to the contrary, funds from the trust fund may be expended in accordance with section 3477, subsections 1 and 2.

Sec. 17. 38 MRS §2201, 4th ¶ is enacted to read:

Notwithstanding any provision of law to the contrary, funds may be allocated from the fund pursuant to Title 35-A, section 3477, subsection 3.

Sec. 18. 38 MRS §2201-B, sub-§8 is enacted to read:

8. Funding of recycling process development, equipment and facility. Notwithstanding any provision of law to the contrary, funds may be allocated pursuant to Title 35-A, section 3477, subsection 3.

Sec. 19. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund 0421

Initiative: Provides funding for one Environmental Specialist IV position, 2 Environmental Specialist III positions and related All Other costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$198,924	\$0
All Other	\$7,929	\$0
GENERAL FUND TOTAL	\$206,853	\$0

1	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
2	Personal Services	\$0	\$277,938
3	All Other	\$0	\$23,158
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$301,096
6			

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
8 number to read consecutively.

9 **SUMMARY**

10 This amendment, which is the minority report of the committee, replaces the bill, which
11 is a concept draft. The amendment provides for the stewardship of solar panel waste. It
12 amends the Maine Solar Energy Act to provide for the prevention or minimization of the
13 potential damage from solar panel deterioration and for a tracking system for solar panels.
14 It provides that property with solar panels must be insured to pay the full costs of recycling
15 the solar panels damaged in any form of catastrophe and that these insurance costs be paid
16 first from any distributions of insurance proceeds. It provides for state grant funding for
17 the development of a recycling process that recycles 95% of solar panels and the design
18 and construction of recycling equipment and a recycling facility, using funds from the
19 Regional Greenhouse Gas Initiative Trust Fund and, if needed, funds from the Maine Solid
20 Waste Management Fund, the Maine Solid Waste Diversion Grant Program and the Maine
21 Technology Institute. It provides for penalties for improper disposal of solar energy
22 equipment, for failure to register solar energy equipment and for refusal to permit
23 inspection of solar energy equipment. It replaces the term "solar energy device" with the
24 term "solar energy equipment," which is defined under the Maine Revised Statutes, Title
25 10, section 1492, subsection 1. It corrects cross-references in the provision of law allowing
26 the Commissioner of Administrative and Financial Services to establish an energy
27 infrastructure benefits fund. It amends the Energy Conservation in Buildings Act provision
28 regarding life-cycle costs to provide that Department of Administrative and Financial
29 Services, Bureau of General Services rules include the costs of recycling in determining
30 the effect of insulation incorporated into a facility design and the effect on solar utilization
31 to the properties of external surfaces and the cost-effectiveness of integrating wind or solar
32 electricity-generating equipment into the design and construction of a facility. It also adds
33 an appropriations and allocations section.

34 **FISCAL NOTE REQUIRED**
35 (See attached)



130th MAINE LEGISLATURE

LD 900

LR 1147(02)

An Act To Facilitate the Recycling of Clean Energy Equipment

Fiscal Note for Bill as Amended by Committee Amendment *A(H617)*

Committee: Energy, Utilities and Technology

Fiscal Note Required: No

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$206,853	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$206,853	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$301,096	\$315,062	\$328,058
Revenue				
Other Special Revenue Funds	\$0	\$301,096	\$315,062	\$328,058

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

This bill creates new requirements for the use and disposal of solar panels and requires the Department of Environmental Protection (DEP) to establish a recycling program for discarded solar panels. The bill establishes a fee of \$125 per solar panel purchased to offset program administration costs. The DEP has indicated that the programming requirements of this bill require additional staff and resources. While the bill allows the DEP to establish a fee structure to offset the program's costs, the DEP will require initial General Fund appropriations of \$206,853 for one Environmental Specialist IV, 2 Environmental Specialist III positions and associated costs. The DEP anticipates that fees will fund the positions starting in fiscal year 2022-23. The bill includes ongoing allocations to the DEP of \$301,096 starting in fiscal year 2022-23 for the same positions and associated costs.

Because this bill allows, but does not require, funds from the Maine Technology Institute (MTI) within the Department of Economic and Community Development to be used to fund the the development of a recycling process as well as the design and construction of recycling equipment and an approved recycling facility, this bill does not have a fiscal impact on MTI.