

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SAR  
ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

LD 1881

Date 6/22/23

(Filing No H-711 )

Reproduced and distributed under the direction of the Clerk of the House

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H P 1206, LD 1881, "An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws "

Amend the amendment in section 1 in §484-C in subsection 1 in the 5th line (page 1, line 21 in amendment) by striking out the following "2" and inserting the following '1'

Amend the amendment in section 1 in §484-C in subsection 2 in the 12th line (page 1, line 35 in amendment) by striking out the following "as defined under section 3201, subsection 1"

Amend the amendment in section 1 in §484-C in subsection 2 in the last line (page 2, line 2 in amendment) by inserting after the following "area" the following 'For purposes of this subsection, "dual-use agricultural and solar production" means the productive use of land for agricultural production and solar energy production in accordance with standards established by rule adopted by the Department of Agriculture, Conservation and Forestry, in consultation with the department and the Governor's Energy Office'

Amend the amendment in section 1 in §484-C by striking out all of subsection 3 (page 2, lines 3 to 5 in amendment) and inserting the following

**'3. Collection of fees. All compensation fees collected under this section must be deposited in an account in the Department of Agriculture, Conservation and Forestry and must be distributed at the discretion of the commissioner for the purpose of farmland conservation and solar mitigation projects. Notwithstanding any provision of law to the contrary, eligible investment earnings credited to this account become part of the assets of the account and any balance remaining in the account at the end of a fiscal year must be carried forward for the next fiscal year'**

Amend the amendment in section 3 in c 35 in §3201 by striking out all of subsection 1 (page 4, lines 11 to 15 in amendment).

Amend the amendment in section 3 in c 35 in §3201 by striking out all of subsection 3 (page 4, lines 20 to 27 in amendment).

**HOUSE AMENDMENT**

1 Amend the amendment in section 3 in c 35 in §3201 by striking out all of the last  
 2 indented paragraph (page 4, lines 33 to 35 in amendment)

3 Amend the amendment in section 3 in §3201 by renumbering the subsections to read  
 4 consecutively

5 Amend the amendment in section 3 in c 35 by striking out all of §3202 (page 4, lines  
 6 36 to 38 and page 5, lines 1 to 12 in amendment) and inserting the following:

7 **'§3202. Permitting of solar energy development**

8 Except as otherwise provided in this section, a person may not construct, cause to be  
 9 constructed or operate a solar energy development without a permit from the Department  
 10 of Agriculture, Conservation and Forestry. Notwithstanding any provision of law to the  
 11 contrary, the Department of Agriculture, Conservation and Forestry has permitting  
 12 authority over solar energy development. The Department of Agriculture, Conservation  
 13 and Forestry shall adopt rules to implement this section, which must include, but are not  
 14 limited to.

15 1. Administration. Administrative procedures relating to the permitting process,  
 16 including required fees,

17 2. Permit; standards. Standards for the approval of a permit,

18 3. Delegation. Standards and conditions for delegation of the authority to issue  
 19 permits for solar energy development to a municipality or the Maine Land Use Planning  
 20 Commission, and

21 4. Enforcement. Procedures for the enforcement of this section.

22 Notwithstanding Title 5, section 8071, subsection 3, rules adopted pursuant to this  
 23 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

24 Amend the amendment by inserting after section 5 the following

25 **'Sec. 6. Appropriations and allocations.** The following appropriations and  
 26 allocations are made

27 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

28 **Bureau of Agriculture 0393**

29 Initiative Provides funding for contracted legal services

|    |                           |                |                |
|----|---------------------------|----------------|----------------|
| 30 | <b>GENERAL FUND</b>       | <b>2023-24</b> | <b>2024-25</b> |
| 31 | All Other                 | \$5,000        | \$5,000        |
| 32 |                           |                |                |
| 33 | <b>GENERAL FUND TOTAL</b> | <u>\$5,000</u> | <u>\$5,000</u> |

34 **Bureau of Agriculture 0393**

35 Initiative Provides funding for one Environmental Licensing Supervisor position and  
 36 associated All Other costs

|    |                               |                |                |
|----|-------------------------------|----------------|----------------|
| 37 | <b>GENERAL FUND</b>           | <b>2023-24</b> | <b>2024-25</b> |
| 38 | POSITIONS - LEGISLATIVE COUNT | 1,000          | 1,000          |
| 39 | Personal Services             | \$84,930       | \$119,745      |
| 40 | All Other                     | \$9,500        | \$9,500        |

|    |  |                  |                  |
|----|--|------------------|------------------|
| 1  |  |                  |                  |
| 2  | GENERAL FUND TOTAL   | \$94,430         | \$129,245        |
| 3  | <b>DACF Administration 0401</b>  |                  |                  |
| 4  | Initiative Provides allocations for expenditures related to centralized technology     |                  |                  |
| 5  | management costs for one Environmental Licensing Supervisor position                   |                  |                  |
| 6  | <b>OTHER SPECIAL REVENUE FUNDS</b>   | <b>2023-24</b>   | <b>2024-25</b>   |
| 7  | All Other  | \$585            | \$585            |
| 8  |  |                  |                  |
| 9  | OTHER SPECIAL REVENUE FUNDS TOTAL  | \$585            | \$585            |
| 10 | <b>DACF Administration 0401</b>  |                  |                  |
| 11 | Initiative Provides funding for centralized technology management costs related to one |                  |                  |
| 12 | Environmental Licensing Supervisor position  |                  |                  |
| 13 | <b>GENERAL FUND</b>  | <b>2023-24</b>   | <b>2024-25</b>   |
| 14 | All Other  | \$3,292          | \$3,292          |
| 15 |  |                  |                  |
| 16 | GENERAL FUND TOTAL   | \$3,292          | \$3,292          |
| 17 |  |                  |                  |
| 18 | <b>AGRICULTURE, CONSERVATION AND</b>   |                  |                  |
| 19 | <b>FORESTRY, DEPARTMENT OF</b>   |                  |                  |
| 20 | <b>DEPARTMENT TOTALS</b>   | <b>2023-24</b>   | <b>2024-25</b>   |
| 21 |  |                  |                  |
| 22 | <b>GENERAL FUND</b>  | <b>\$102,722</b> | <b>\$137,537</b> |
| 23 | <b>OTHER SPECIAL REVENUE FUNDS</b>   | <b>\$585</b>     | <b>\$585</b>     |
| 24 |  |                  |                  |
| 25 | <b>DEPARTMENT TOTAL - ALL FUNDS</b>  | <b>\$103,307</b> | <b>\$138,122</b> |

27 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
 28 section number to read consecutively

29 **SUMMARY**

30 This amendment directs solar energy compensation fees to be deposited into any  
 31 account within the Department of Agriculture, Conservation and Forestry instead of into a  
 32 specific account. It directs the Commissioner of Agriculture, Conservation and Forestry to  
 33 distribute, at the commissioner's discretion, those funds for the purposes of farmland  
 34 conservation and solar mitigation projects.

35 The amendment also replaces the provision of the bill placing authority over permitting  
 36 for a solar energy development within the Department of Environmental Protection with a  
 37 provision that the Department of Agriculture, Conservation and Forestry has permitting  
 38 authority over solar energy development. It directs the Department of Agriculture,  
 39 Conservation and Forestry to adopt routine technical rules to implement the permitting

**HOUSE AMENDMENT**

ROS

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H P 1206, L D 1881

1 process and provides for one position to exercise the permitting authority, including  
2 necessary rulemaking

3 **FISCAL NOTE REQUIRED**

4 (See attached)

5 **SPONSORED BY:** 

6 **(Representative PLUECKER, B.)**

7 **TOWN: Warren**



# 131st MAINE LEGISLATURE

LD 1881

LR 77(06)

**An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws**

**Fiscal Note for House Amendment 'A' to Committee Amendment 'A' (H-711)**

**Sponsor: Rep. Pluecker of Warren**

**Fiscal Note Required: Yes**

## Fiscal Note

Solar energy compensation fees credited to different account  
Changes permitting authority

|                                   | FY 2023-24 | FY 2024-25 | Projections<br>FY 2025-26 | Projections<br>FY 2026-27 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| General Fund                      | \$102,722  | \$137,537  | \$143,524                 | \$149,811                 |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| General Fund                      | \$102,722  | \$137,537  | \$143,524                 | \$149,811                 |
| Other Special Revenue Funds       | \$585      | \$585      | \$585                     | \$585                     |

### Fiscal Detail and Notes

This amendment removes the requirement that solar energy compensation fees be credited to the Maine Working Farmland Access and Protection Fund. Instead, the fees are to be credited to a new account within the Department of Agriculture, Conservation and Forestry (ACF) to be distributed at the discretion of the Commissioner for the same purpose. The amendment also changes the permitting authority for solar energy developments located on high-value agricultural land from the Department of Environmental Protection to the ACF. The amendment includes ongoing General Fund appropriations to ACF of \$97,722 for one Environmental Licensing Supervisor position and associated costs and of \$5,000 for contracted legal services beginning in fiscal year 2023-24. The amendment also includes ongoing Other Special Revenue Funds allocations to ACF of \$585 beginning in fiscal year 2023-24 for the centralized technology management costs associated with the position.