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

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

**Sec.** **1. 5 MRSA §1764, sub-§3, ¶C,** as repealed and replaced by PL 1977, c. 563, §2, is amended to read:

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;

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

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.

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

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

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.

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

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

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

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

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

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

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

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

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

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

**§****1422.** **Policy**

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

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

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

**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.

**2.** **Right to install and use solar energy** **~~devices~~** **equipment.**  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~~ Solar energy ~~device~~ equipment on residential property owned by that person; or

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

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

**4.** **Reasonable restrictions.**  A legal instrument subject to this section may include reasonable restrictions on the installation and use of ~~a~~ solar energy ~~device~~ equipment. 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;

B. Buildings from damage;

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

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

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

**§****1424.** **Limitation**

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

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

**§****3471-A.** **Definitions**

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

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

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

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

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

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

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

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

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

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

**6.** **Position funded.**  Fees collected pursuant to subsections 4 and 5 may be used only to fund full-time equivalent positions established solely for the purpose of tracking purchases and dispositions of solar panels in the State and the proper disposal of solar panels that are damaged, that have reached the end of their useful life or that are nonfunctional; persons filling the full-time equivalent positions may be personnel of the Department of Environmental Protection or of a solar energy equipment recycling facility approved by the Department of Environmental Protection under subsection 2.

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

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

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

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

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

**§****3476.** **Insurance**

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

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

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

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

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

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

**Sec.** **15. 35-A MRSA §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 MRSA §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 MRSA §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 MRSA §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.

**SUMMARY**

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