



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 826

H.P. 515

House of Representatives, February 21, 2023

**An Act to Prohibit the Disposal of Certain Solar Panels in the State
and to Require Bonds to Cover Disposal Costs**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative LEMELIN of Chelsea.
Cosponsored by Representative: ADAMS of Lebanon.

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

2 **Sec. 1. 35-A MRSA §3491, sub-§1**, as enacted by PL 2021, c. 151, §1, is amended
3 by amending the last blocked paragraph to read:

4 "Decommissioning" includes the grading to postconstruction grade and revegetation of all
5 earth disturbed during construction and decommissioning, except for areas already
6 restored, and the recycling or disposal of the solar panels used during the operation of the
7 solar energy development.

8 **Sec. 2. 35-A MRSA §3495, sub-§2**, as enacted by PL 2021, c. 151, §1, is amended
9 to read:

10 **2. Financial assurance.** The person identified in the plan as responsible for
11 decommissioning demonstrates financial assurance, in the form of a performance bond,
12 surety bond, irrevocable letter of credit or other form of financial assurance acceptable to
13 the environmental permitting entity, for the total cost of decommissioning. The financial
14 assurance demonstrated must include, in the form of a performance bond or surety bond,
15 the total cost of recycling or disposing of the solar panels used during the operation of the
16 solar energy development; and

17 **Sec. 3. 38 MRSA §1306, sub-§8** is enacted to read:

18 **8. Prohibition on disposal of heavy metal-containing commercial solar panels.** A
19 person may not place or facilitate the placement of a heavy metal-containing commercial
20 solar panel in solid waste for disposal in a solid waste disposal facility in the State or for
21 incineration in an incineration facility in the State or otherwise dispose of or facilitate the
22 disposal of a heavy metal-containing commercial solar panel in the State by burial,
23 incineration, deposit or dumping.

24 As used in this section, "heavy metal-containing commercial solar panel" means a solar
25 panel not designed for residential use that contains more than a de minimis amount of
26 arsenic, cadmium, chromium, lead, selenium or silver.

27 SUMMARY

28 This bill amends the laws regulating the decommissioning of solar energy
29 developments to provide that such decommissioning includes the recycling or disposal of
30 the solar panels used during the operation of the development and that the person
31 responsible for decommissioning must demonstrate financial assurance, in the form of a
32 performance bond or surety bond, for the total cost of recycling or disposing of those solar
33 panels during decommissioning.

34 The bill also prohibits a person from placing or facilitating the placement of a heavy
35 metal-containing commercial solar panel in solid waste for disposal in a solid waste
36 disposal facility in the State or for incineration in an incineration facility in the State or
37 otherwise disposing of or facilitating the disposal of a heavy metal-containing commercial
38 solar panel in the State by burial, incineration, deposit or dumping. The bill defines "heavy
39 metal-containing commercial solar panel" to mean a solar panel not designed for residential
40 use that contains more than a de minimis amount of arsenic, cadmium, chromium, lead,
41 selenium or silver.