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H.P. 1184

House of Representatives, April 27, 2021

An Act To Address Waste Associated with Solar Energy Equipment

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 O'CONNOR of Berwick.
Cosponsored by Senator WOODSOME of York and
Representatives: FOSTER of Dexter, GRIFFIN of Levant, GRIGNON of Athens, KINNEY of
Knox, MASON of Lisbon, SAMPSON of Alfred, WADSWORTH of Hiram, WHITE of Mars
Hill.

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

2 **Sec. 1. 5 MRSA §1764, sub-§3, ¶C**, as repealed and replaced by PL 1977, c. 563,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

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

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

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

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

11 **§15312. Funding of recycling process development, equipment and facility**

12 Notwithstanding any provision of law to the contrary, funds appropriated by the
13 Legislature for the use of the institute may be allocated pursuant to Title 35-A, section
14 3477, subsection 3.

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

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

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

19 **§3013. Solar energy ~~devices~~ equipment; ordinances**

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

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

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

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

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

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

35 **§1422. Policy**

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

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

1 **§1423. Use and installation of solar energy ~~deveies~~ equipment**

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

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

8 A. ~~A solar~~ Solar energy ~~deveie~~ equipment on residential property owned by that
9 person; or

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

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

14 **4. Reasonable restrictions.** A legal instrument subject to this section may include
15 reasonable restrictions on the installation and use of a solar energy ~~deveie~~ equipment. For
16 the purposes of this section, a reasonable restriction is any restriction that is necessary to
17 protect:

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

20 B. Buildings from damage;

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

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

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

26 **§1424. Limitation**

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

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

31 **§3471-A. Definitions**

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

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

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

37 **§3475. Prevention of solar panel deterioration; disposal; recycling; registration**

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

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

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

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

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

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

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

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

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

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

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

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

1 **§3476. Insurance**

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

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

7 **§3477. Funding of recycling process development, equipment and facility**

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

13 **2. Equipment and facility funding.** The State shall allocate up to \$2,500,000 for
14 grants, to be funded from the Regional Greenhouse Gas Initiative Trust Fund under section
15 10109, subsection 4, paragraph K, to fund the design and construction of recycling
16 equipment and an approved recycling facility under section 3475, subsection 2 to
17 implement the recycling process under subsection 1.

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

23 **Sec. 15. 35-A MRSA §3478** is enacted to read:

24 **§3478. Penalties**

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

30 **2. Failure to register.** A seller of a solar panel who fails to register identification
31 information including serial numbers of any solar energy equipment pursuant to section
32 3475, subsection 3 commits a civil violation for which a fine of up to \$250 per unit of solar
33 energy equipment must be imposed. A fine imposed pursuant to this subsection must be
34 recorded as an addendum to the deed of the property in the registry of deeds on which the
35 solar energy equipment is installed.

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

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

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

3 **Sec. 17. 38 MRSA §2201, 4th ¶** is enacted to read:

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

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

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

10 SUMMARY

11 This bill provides for the stewardship of solar panel waste. It amends the Maine Solar
12 Energy Act to provide for the prevention or minimization of the potential damage from
13 solar panel deterioration and for a tracking system for solar panels. It provides that property
14 with solar panels must be insured to pay the full costs of recycling the solar panels damaged
15 in any form of catastrophe and that these insurance costs be paid first from any distributions
16 of insurance proceeds. It provides for state grant funding for the development of a recycling
17 process that recycles 95% of solar panels and the design and construction of recycling
18 equipment and a recycling facility, using funds from the Regional Greenhouse Gas
19 Initiative Trust Fund and, if needed, funds from the Maine Solid Waste Management Fund,
20 the Maine Solid Waste Diversion Grant Program and the Maine Technology Institute. It
21 provides for penalties for improper disposal of solar energy equipment, for failure to
22 register solar energy equipment and for refusal to permit inspection of solar energy
23 equipment. It replaces the term "solar energy device" with the term "solar energy
24 equipment," which is defined under the Maine Revised Statutes, Title 10, section 1492,
25 subsection 1. It corrects cross-references in the provision of law allowing the
26 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.