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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

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

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

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

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

'Sec. 1. 5 MRSA §1764, sub-§3, ¶C, as repealed and replaced by PL 1977, c. 563, §2, is amended to read: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

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 ~~deviees~~ 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.

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

2 **§3478. Penalties**

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

8 **2. Failure to register.** A seller of a solar panel who fails to register identification
9 information including serial numbers of any solar energy equipment pursuant to section
10 3475, subsection 3 commits a civil violation for which a fine of up to \$250 per unit of solar
11 energy equipment must be imposed. A fine imposed pursuant to this subsection must be
12 recorded as an addendum to the deed of the property in the registry of deeds on which the
13 solar energy equipment is installed.

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

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

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

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

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

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

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

29 **Sec. 19. Appropriations and allocations.** The following appropriations and
30 allocations are made.

31 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
32 **Maine Environmental Protection Fund 0421**

33 Initiative: Provides funding for one Environmental Specialist IV position, 2 Environmental
34 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

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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

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

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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.

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FISCAL NOTE REQUIRED
(See attached)