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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1206, L.D. 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).

SENATE 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 c. 35 in §3201 by renumbering the subsections
4 to read 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 GENERAL FUND	2023-24	2024-25
31 All Other	\$5,000	\$5,000
32		
33 GENERAL FUND TOTAL	\$5,000	\$5,000

34 **Bureau of Agriculture 0393**

35 Initiative: Establishes one limited-period Environmental Licensing Supervisor position and
36 provides funding for related All Other costs. This position ends June 7, 2025.

37 GENERAL FUND	2023-24	2024-25
38 Personal Services	\$84,930	\$119,745
39 All Other	\$9,500	\$9,500
40		

1 GENERAL FUND TOTAL \$94,430 \$129,245

2 **DACF Administration 0401**

3 Initiative: Provides allocations for expenditures related to centralized technology
4 management costs for one limited-period Environmental Licensing Supervisor position.

5 **OTHER SPECIAL REVENUE FUNDS** **2023-24** **2024-25**
6 All Other \$585 \$585

7
8 OTHER SPECIAL REVENUE FUNDS TOTAL \$585 \$585

9 **DACF Administration 0401**

10 Initiative: Provides funding for centralized technology management costs related to one
11 limited-period Environmental Licensing Supervisor position.

12 **GENERAL FUND** **2023-24** **2024-25**
13 All Other \$3,292 \$3,292

14
15 GENERAL FUND TOTAL \$3,292 \$3,292

16

17 **AGRICULTURE, CONSERVATION AND**
18 **FORESTRY, DEPARTMENT OF**
19 **DEPARTMENT TOTALS**

20
21 **GENERAL FUND** **\$102,722** **\$137,537**
22 **OTHER SPECIAL REVENUE FUNDS** **\$585** **\$585**

23
24 **DEPARTMENT TOTAL - ALL FUNDS** **\$103,307** **\$138,122**

25

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

28

SUMMARY

29 This amendment incorporates the provisions of House Amendment "A" to Committee
30 Amendment "A" and replaces the appropriations and allocations section.

31 **SPONSORED BY:** _____

32 **(Senator ROTUNDO, M.)**

33 **COUNTY: Androscoggin**