



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

---

Legislative Document

No. 802

---

S.P. 113

In Senate, March 5, 2021

### An Act To Ensure Decommissioning of Solar Energy Developments

---

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BLACK of Franklin.

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

2 **Sec. 1. 35-A MRSA c. 34-D** is enacted to read:

3 **CHAPTER 34-D**

4 **SOLAR ENERGY DEVELOPMENT DECOMMISSIONING**

5 **§3491. Definitions**

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

8 **1. Decommissioning.** "Decommissioning" means the physical removal of all  
9 components of a solar energy development, including but not limited to solar panels and  
10 associated anchoring systems and foundations to a depth of at least 24 inches and other  
11 structures, buildings, roads, cables, electrical components or associated facilities and  
12 foundations to a depth of at least 24 inches, to the extent the components of the  
13 development are not otherwise in or proposed to be placed in productive use.  
14 "Decommissioning" includes the grading and revegetation of all earth disturbed during  
15 construction and decommissioning, except for areas already restored.

16 **2. Environmental permitting entity.** "Environmental permitting entity" means:

17 A. The Department of Environmental Protection in the case of a solar energy  
18 development:

19 (1) Located wholly or partly outside of the unorganized and deorganized areas; or

20 (2) Subject to the department's jurisdiction pursuant to Title 38, chapter 3,  
21 subchapter 1, article 6; or

22 B. The Maine Land Use Planning Commission in the case of a solar energy  
23 development located wholly in the unorganized and deorganized areas and not subject  
24 to the jurisdiction of the Department of Environmental Protection pursuant to Title 38,  
25 chapter 3, subchapter 1, article 6.

26 **3. Farmland.** "Farmland" has the same meaning as in Title 36, section 1102,  
27 subsection 4.

28 **4. Transfer of ownership.** "Transfer of ownership" means a change in the legal entity  
29 that owns or operates a solar energy development. A sale or exchange of stock or  
30 membership interests or a merger is not a transfer of ownership as long as the legal entity  
31 that owns or operates the solar energy development remains the same.

32 **5. Unorganized and deorganized areas.** "Unorganized and deorganized areas" has  
33 the same meaning as in Title 12, section 682, subsection 1.

34 **§3492. Prohibition**

35 A person may not construct, cause to be constructed or operate a solar energy  
36 development with ground-mounted solar panels occupying 3 or more acres without first  
37 obtaining approval of a decommissioning plan from the environmental permitting entity  
38 under section 3495.



- 1 deorganized areas before constructing or operating a solar energy development with
- 2 ground-mounted solar panels occupying 3 or more acres.