

**Amendment to LD 1227 -  
An Act to Balance Renewable Energy Development with Natural and Working Lands  
Conservation**

Proposed by Representative Pluecker  
April 10, 2023

Amend the bill in section 4 as follows:

**Sec. 4. Department of Agriculture, Conservation and Forestry to plan for pilot program to study feasibility of dual-use projects.** The Department of Agriculture, Conservation and Forestry, referred to in this section as "the department," in collaboration with the Governor's Energy Office, the Public Utilities Commission and other state agencies and stakeholders, including research institutions, shall develop a plan to implement a dual-use energy pilot program, referred to in this section as "the pilot program plan," to test and study the efficacy and potential benefits of innovative solar energy systems that are connected to the electric transmission and distribution utility system and are located on natural and developed areas, including, ~~but not limited to,~~ farmland that is maintained in active agricultural or horticultural use, ~~parking lots and aquatic sites.~~ For purposes of this section, "dual-use project" means a mixed-use system combining use of ~~land or aquatic sites~~ agricultural production with solar energy production. The department may accept funds from any source, public or private, for the purposes of this section and may contract for professional services to carry out the purposes of this section.

The pilot program plan must:

1. Identify potential dual-use projects that collectively have a total capacity of not less than 20 megawatts nor more than 60 megawatts ~~of 30 megawatts, with at least 20 megawatts reserved for dual-use projects on agricultural land,~~ and that may warrant inclusion in a pilot program based on criteria including but not limited to emerging or potential commercial viability, potential applicability to the State, and potential to contribute meaningfully and cost-effectively to achievement of the goals established in the Maine Revised Statutes, Title 35-A, section 3210, subsection 1-A;
2. Identify and include eligibility criteria for dual-use projects to be included in the pilot program, including, but not limited to, the continuation of agricultural or horticultural uses of the affected land;
3. Identify if financial incentives, location-based incentives or other incentives to dual-use projects that would be considered for inclusion in the pilot program would be necessary, including mechanisms to minimize the cost of the pilot program to electric ratepayers in the State;
4. Ensure all approved agricultural dual-use projects permit the department to conduct or direct research on compatible crops, grazing operations and other agricultural or horticultural uses of the land to determine best practices for dual-use projects. The determination of best practices must consider both the duration of uses of the land and the energy production of the solar energy system;
5. Include an application process for landowners or developers, with the informed consent of the landowner, seeking to be included in the pilot program, including ~~landowners~~ those who have already deployed or are planning to deploy solar energy systems;

6. Examine benefits of dual-use project applications to individual landowners, the electric transmission and distribution utility system and the State's ability to meet clean energy and climate goals; and

7. Include an evaluation process and selection criteria that may result in the approval of dual-use projects of varying sizes, in different geographic locations, that involve diverse types of sites, including agricultural sites, and, if applicable, minimize negative impacts to farmland and the environment, and ensure appropriate innovation as well as planning for technical and financial feasibility, including interconnection with the electric transmission and distribution utility system.

The department in coordination with the Governor's Energy Office may implement the pilot program and shall submit a report with a plan for implementing relating to the pilot program to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters; energy and utilities matters; and environment and natural resources matters no later than February 1, 2025 and each joint standing committee may submit legislation relating to the subject matter of the report to the ~~First Regular Session of the~~ 132nd Legislature.

## SUMMARY

This amendment revises the definition of “dual-use” project to mean a mixed-use system combining use of agricultural production with solar energy production.

The amendment provides that the Department of Agriculture, Conservation and Forestry may accept funds from any source, public or private, for the development or implementation of a pilot program to study the feasibility of dual-use projects. The amendment also provides that the department may contract for professional services to develop or implement the pilot program.

The amendment provides that the pilot program must identify dual-use project that collectively have a total capacity of not less than 20 megawatts nor more than 60 megawatts rather than 30 megawatts with at least 20 megawatts reserved for dual-use projects on agricultural land as proposed in the bill.

The amendment clarifies that developers, with the informed consent of the landowner, as well as landowners may apply for the pilot program.

Finally, the amendment authorizes the department, in coordination with the Governor’s Energy Office, to implement the pilot program.