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Date: (Filing No. H- )

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**131ST LEGISLATURE**  
**FIRST SPECIAL SESSION**

HOUSE 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).

**HOUSE 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 §3201 by renumbering the subsections to read  
4 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 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
31 All Other	\$5,000	\$5,000
32		
33 GENERAL FUND TOTAL	<u>\$5,000</u>	<u>\$5,000</u>

34 **Bureau of Agriculture 0393**

35 Initiative: Provides funding for one Environmental Licensing Supervisor position and  
36 associated All Other costs.

37 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
38 POSITIONS - LEGISLATIVE COUNT	1,000	1,000
39 Personal Services	\$84,930	\$119,745
40 All Other	\$9,500	\$9,500

1			
2	GENERAL FUND TOTAL	\$94,430	\$129,245
3	<b>DACF Administration 0401</b>		
4	Initiative: Provides allocations for expenditures related to centralized technology		
5	management costs for one Environmental Licensing Supervisor position.		
6	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
7	All Other	\$585	\$585
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	\$585	\$585
10	<b>DACF Administration 0401</b>		
11	Initiative: Provides funding for centralized technology management costs related to one		
12	Environmental Licensing Supervisor position.		
13	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
14	All Other	\$3,292	\$3,292
15			
16	GENERAL FUND TOTAL	\$3,292	\$3,292
17			
18	<b>AGRICULTURE, CONSERVATION AND</b>		
19	<b>FORESTRY, DEPARTMENT OF</b>		
20	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
21			
22	<b>GENERAL FUND</b>	<b>\$102,722</b>	<b>\$137,537</b>
23	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$585</b>	<b>\$585</b>
24			
25	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$103,307</b>	<b>\$138,122</b>

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

29 **SUMMARY**

30 This amendment directs solar energy compensation fees to be deposited into any   
 31 account within the Department of Agriculture, Conservation and Forestry instead of into a   
 32 specific account. It directs the Commissioner of Agriculture, Conservation and Forestry to   
 33 distribute, at the commissioner's discretion, those funds for the purposes of farmland   
 34 conservation and solar mitigation projects.

35 The amendment also replaces the provision of the bill placing authority over permitting   
 36 for a solar energy development within the Department of Environmental Protection with a   
 37 provision that the Department of Agriculture, Conservation and Forestry has permitting   
 38 authority over solar energy development. It directs the Department of Agriculture,   
 39 Conservation and Forestry to adopt routine technical rules to implement the permitting

# HOUSE AMENDMENT

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1206, L.D. 1881

1 process and provides for one position to exercise the permitting authority, including  
2 necessary rulemaking.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**

5

**SPONSORED BY:** \_\_\_\_\_

6

**(Representative PLUECKER, B.)**

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**TOWN: Warren**