

CHAPTER 35

PROTECTION OF AGRICULTURAL SOILS FROM SOLAR ENERGY DEVELOPMENTS

§3201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 448, §3 (NEW).]

1. High-value agricultural land. "High-value agricultural land" means land that has a high value for agricultural use, as determined in accordance with rules adopted by the Department of Agriculture, Conservation and Forestry, in consultation with the department and the Governor's Energy Office. [PL 2023, c. 448, §3 (NEW).]

2. Solar energy development. "Solar energy development" means a development that:

A. Uses ground-mounted solar arrays and installations to convert solar energy to electrical energy; [PL 2023, c. 448, §3 (NEW).]

B. Occupies 5 acres or more; and [PL 2023, c. 448, §3 (NEW).]

C. Is wholly or partially located on high-value agricultural land. [PL 2023, c. 448, §3 (NEW).]
[PL 2023, c. 448, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 448, §3 (NEW).

§3202. Permitting of solar energy development

Except as otherwise provided in this section, a person may not construct, cause to be constructed or operate a solar energy development without a permit from the Department of Agriculture, Conservation and Forestry. Notwithstanding any provision of law to the contrary, the Department of Agriculture, Conservation and Forestry has permitting authority over solar energy development. The Department of Agriculture, Conservation and Forestry shall adopt rules to implement this section, which must include, but are not limited to: [PL 2023, c. 448, §3 (NEW).]

1. Administration. Administrative procedures relating to the permitting process, including required fees; [PL 2023, c. 448, §3 (NEW).]

2. Permit; standards. Standards for the approval of a permit; [PL 2023, c. 448, §3 (NEW).]

3. Delegation. Standards and conditions for delegation of the authority to issue permits for solar energy development to a municipality or the Maine Land Use Planning Commission; and [PL 2023, c. 448, §3 (NEW).]

4. Enforcement. Procedures for the enforcement of this section. [PL 2023, c. 448, §3 (NEW).]

Notwithstanding Title 5, section 8071, subsection 3, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 448, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 448, §3 (NEW).

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