

SENATE No. 528

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act encouraging the use of renewable energy on agricultural land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/25/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/29/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/29/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/30/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/30/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/31/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/31/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/1/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2019</i>

SENATE No. 528

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 528) of Michael J. Rodrigues, Paul A. Schmid, III, Susan Williams Gifford, Carole A. Fiola and other members of the General Court for legislation to encourage the use of renewable energy on agricultural land. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act encouraging the use of renewable energy on agricultural land.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 2A of chapter 61A of the general laws is hereby
2 amended by striking the words “chapter 25” and inserting in place thereof the following:- chapter
3 25A.

4 SECTION 2. Said section 2A of said chapter 61A is hereby further amended by striking
5 out subsections (b) to (c), inclusive, and inserting in place thereof the following sections:-

6 (b) In addition to the use provided for in subsection (a), land used primarily and directly
7 for agricultural purposes pursuant to section 1 or land used primarily and directly for
8 horticultural use pursuant to section 2 may, in addition to being used primarily and directly for
9 agriculture or horticulture, be used to site a renewable energy generating source, as defined in
10 subsection (b) of section 11F of chapter 25A, that qualifies in accordance with a solar incentive
11 program for agriculture or horticulture sectors developed by the department of energy resources

12 if such renewable energy generating source does not impede the continued use of the land for
13 agricultural or horticultural purposes pursuant to this chapter.

14 (c) Land used primarily and directly for agricultural purposes pursuant to section 1 or
15 land used primarily and directly for horticultural purposes pursuant to section 2 shall be deemed
16 to be in agricultural or horticultural use pursuant to this chapter if used to simultaneously site a
17 renewable energy generating source pursuant to subsection (a) and subsection (b).

18 (d) Renewable energy generating sources located on land used primarily and directly for
19 agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural
20 purposes pursuant to section 2 shall be subject to the provisions afforded to agriculture in
21 accordance with section 3 of chapter 40A.