

SENATE No. 2439

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 relative to wind and solar systems within the town of Mattapoisett.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 2439

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2439) of Mark C. Montigny (by vote of the town) that the town of Mattapoissett be authorized to assess certain solar or wind systems. Revenue. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to wind and solar systems within the town of Mattapoissett.

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. Notwithstanding the provision of Section 5, Clause Forty-Four of Chapter
2 59 of the General Laws, as appearing in the General Official Edition, and notwithstanding the
3 provisions of any general or special law to the contrary, the Town of Mattapoissett is hereby
4 authorized pursuant to Section 4 of Chapter 59 of the General Laws, as appearing in the 2019
5 General Official Edition, to assess, as personal property, a solar or wind system that is capable of
6 producing more than twenty-five kilowatts AC (25kw AC) and which power produced by said
7 solar or wind powered system is more than 125 per cent of the annual electricity needs of the real
8 property upon which it is located and contiguous or non-contiguous real property within the
9 same municipality that is owned or leased by the owner of the real property on which the solar or
10 wind powered system is located.

11 SECTION 2. In lieu of the payment of the tax authorized in Section 1 hereof, the owner
12 of any such solar or wind powered system which is taxable as personal property in the Town of

13 Mattapoissett may execute an agreement for payment in lieu of taxes with the Town of
14 Mattapoissett.

15 SECTION 3. Notwithstanding any provision of any general or special law to the contrary,
16 the Town of Mattapoissett acting through its Board of Selectmen, its Board of Assessors and
17 pursuant to authority granted by its Town Meeting, may execute an agreement for the payment in
18 lieu of taxes with the owner of a solar or wind power system in the Town of Mattapoissett;
19 provided, however, that, unless otherwise provided by the agreement, a notice of the payment in
20 lieu of taxes owed for each fiscal year shall be mailed to the owner and due on the dates by
21 which a tax assessed under the General Laws, as appearing in the 2019 General Official Edition
22 would be payable without interest.

23 The term of said payment in lieu of tax agreement shall not be for a period greater than
24 20 years from the date of installation of the system unless said payment in lieu of tax agreement
25 contains express provisions setting forth the reasons that justify a term longer than 20 years;
26 provided further, that an exemption shall not be allowed for any year within that period where
27 the solar or wind powered system is not capable of producing energy as required herein.

28 SECTION 4. Annually and not later than March 1, each owner shall execute and deliver an
29 affidavit under oath to the Board of Assessors of the Town of Mattapoissett stating the (i) type of
30 system (ii) capacity of the system (iii) percentage of the annual electricity needs of the real
31 property that were met by the system; and (iv) power generated for the previous year.

32 SECTION 5. Notwithstanding the provisions hereof, or any general or special law to the
33 contrary, the owner of a solar or wind powered system and the Town of Mattapoissett shall not be

34 required to amend, modify, or renegotiate an existing payment in lieu of tax agreement that was
35 entered into or executed before the effective date of this act.

36 SECTION 6. This act shall become effective on July 1, 2020, or take any action relative
37 thereto.