

**SENATE . . . . . No. 590**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Susan L. Moran***

*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>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>2/26/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/3/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>

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By Ms. Moran, a petition (accompanied by bill, Senate, No. 590) of Susan L. Moran, William M. Straus, Michael D. Brady, Michael O. Moore and others for legislation to encourage the use of renewable energy on agricultural land. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 528 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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.