

WD 2169

BILL  
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**ERRORS BILL §§ 2, 3, 4, 12, 15, 21, 41, 44, 45, 53**

LAW AMENDED:

- 2 5 MRSA §1531, sub-§2
- 3 5 MRSA §1710-D
- 4 5 MRSA §1710-I
- 12 5 MRSA §13056, sub-§3
- 15 10 MRSA §363, sub-§2-A
- 21 12 MRSA §8876, sub-§2
- 41 26 MRSA §3, sub-§3, ¶B
- 44 30-A MRSA §5903, sub-§6-A
- 45 35-A MRSA §3454, first ¶
- 53 38 MRSA §484, sub-§10

General Subject: Governor’s Office of Policy and Management, Governor’s Office of Policy Innovation and the Future, DAFS and State Economist

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical?

Is amendment to Errors Bill needed?  
(If so, draft/mark up and explain below)

Prepared by: mjr  
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File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec - 343 Parts D and IIII.docx (7/26/2020 04:26:00 PM)

**EXPLANATION**

PL 2019, c. 343 (LD 1001), An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 (Biennial Budget) in Part D renamed the “Governor’s Office of Policy and Management” the “Governor’s Office of Policy Innovation and the Future.” Part D amended every section of the statutes that contained the name of that office. Section 18 of Part D is a revision provision, making clear that any reference to “the Governor’s Office of Policy and Management” is intended to read: “the Governor’s Office of Policy Innovation and the Future.”

PL 2019, c. 343 (yes, the same chapter as in the first paragraph), Part IIII revised the focus of the Governor’s Office of Policy and Management to move many of the economic

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functions to the State Economist, while moving the State Economist to the Department of Administrative and Financial Services (from OPM). So, every section that included the name of the Governor's Office of Policy and Management, Part III either deleted the reference or changed the reference to DAFS or specifically the State Economist. So, everything Part III did conflicted with Part D.

Sections 2, 3, 4, 12, 15, 21, 41, 44, 45 and 53 of the Errors Bill repeal the provisions of law amended by both Part D and Part III and replace them with the Part III version. This change is considered technical because the name changes in Part D are considered technical (see also c. 383), while the changes in Part III are considered substantive, so the Errors Bill confirms the substantive changes.

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Sec. 2. 5 MRSA §1531, sub-§2, as amended by PL 2019, c. 343, Pt. D, §2 and Pt. III, §1, is repealed and the following enacted in its place:

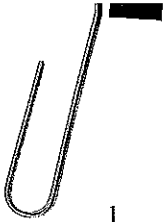
2. Average personal income growth. "Average personal income growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in personal income in this State, as estimated by the United States Department of Commerce, Bureau of Economic Analysis. The average personal income growth is determined by October 1st, annually, by the State Economist.

**SUMMARY**

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Section ?? corrects a conflict created by Public Law 2019, chapter 343, Part D, section 2 and Part III, section 1, which affected the same provision of law, by repealing the provision and replacing it with the Part III, section 1 version.

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✓ **Sec. 3. 5 MRSA §1710-D**, as amended by PL 2019, c. 343, Pt. D, §4 and Pt. III, §2, is repealed and the following enacted in its place:

**§1710-D. Staffing**

The commission may receive staff support from the Department of Administrative and Financial Services and the Department of Labor.

**SUMMARY**

Section ?? corrects a conflict created by Public Law 2019, chapter 343, Part D, section 4 and Part III, section 2, which affected the same provision of law, by repealing the provision and replacing it with the Part III, section 2 version.

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✓ Sec. 4. 5 MRSA §1710-I, as amended by PL 2019, c. 343, Pt. D, §5 and Pt. III, §3, is repealed and the following enacted in its place:

**§1710-I. Staffing**

The committee may receive staff assistance from the Department of Administrative and Financial Services and, at the discretion of the Legislature, the Office of Fiscal and Program Review. The committee may also utilize other professionals having revenue forecasting, economic and fiscal expertise.

**SUMMARY**

Section ?? corrects a conflict created by Public Law 2019, chapter 343, Part D, section 5 and Part III, section 3, which affected the same provision of law, by repealing the provision and replacing it with the Part III, section 3 version.

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1 ✓ **Sec. 11. 5 MRSA §13056, sub-§3**, as amended by PL 2019, c. 343, Pt. D, §9 and  
2 Pt. III, §4, is repealed and the following enacted in its place:

3 **3. Conduct planning and research.** Conduct planning, research and analysis for  
4 department needs, but not macroeconomic forecasting, which is the responsibility of the  
5 Department of Administrative and Financial Services. The department shall gather and  
6 maintain and must have access to all economic and other information necessary to the  
7 performance of its duties;

8 **SUMMARY**

9 Section 12 corrects a conflict created by Public Law 2019, chapter 343, Part D,  
10 section 9 and Part III, section 4, which affected the same provision of law, by repealing  
11 the provision and replacing it with the Part III, section 4 version.

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✓ **Sec. 15. 10 MRSA §363, sub-§2-A**, as amended by PL 2019, c. 343, Pt. D, §11 and Pt. III, §5, is repealed and the following enacted in its place:

**2-A. Recommendation of Governor and issuers.** At any time action of the Legislature under subsection 1-A is necessary or desirable, the Governor shall recommend to the appropriate committee of the Legislature a proposed allocation or reallocation of all or part of the state ceiling. To assist the Governor in making a recommendation of proposed allocations of the state ceiling on private activity bonds, the group of 7 representatives described in subsection 1-A shall make a recommendation regarding allocation or reallocation of the state ceiling. In order to assist the group in making its recommendation and to assist the Governor and the Legislature, the Department of Administrative and Financial Services shall prepare an annual analysis of the State's economic outlook, prevailing interest rate forecasts related to tax-exempt financing by the issuers specifically identified in subsections 4 to 8, the availability to those issuers of alternative financing from sources that do not require an allocation of the state ceiling and the relationship of these factors and various public policy considerations to the allocation or reallocation of the state ceiling. In recommending any allocation or reallocation of the state ceiling to the Legislature, the Governor shall consider the requests and recommendations of those issuers of bonds within the State designated in this section, the recommendations of the group of representatives described in subsection 1-A and the annual analysis of the Department of Administrative and Financial Services.

**SUMMARY**

Section ?? corrects a conflict created by Public Law 2019, chapter 343, Part D, section 11 and Part III, section 5, which affected the same provision of law, by repealing the provision and replacing it with the Part III, section 5 version.

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1 ✓ Sec. 27. 12 MRSA §8876, sub-§2, as amended by PL 2019, c. 343, Pt. D, §12  
2 and Pt. III, §6, is repealed and the following enacted in its place:

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3 2. Future demand. Project future demand for forest resources based on a common  
4 economic forecast developed by the Consensus Economic Forecasting Commission and  
5 on other appropriate economic projections;

6 SUMMARY

7 Section ?? corrects a conflict created by Public Law 2019, chapter 343, Part D,  
8 section 12 and Part III, section 6, which affected the same provision of law, by repealing  
9 the provision and replacing it with the Part III, section 6 version.

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1 ✓ **Sec. 54. 26 MRSA §3, sub-§3, ¶B**, as amended by PL 2019, c. 343, Pt. D, §13  
2 and Pt. III, §7, is repealed and the following enacted in its place:

3 B. Information and records pertaining to the workforce, employment patterns, wage  
4 rates, poverty and low-income patterns, economically distressed communities and  
5 regions and other similar information and data to the Department of Administrative  
6 and Financial Services and the Department of Economic and Community  
7 Development for the purposes of analysis and evaluation, measuring and monitoring  
8 poverty and economic and social conditions throughout the State, and promoting  
9 economic development.

10 **SUMMARY**

11 Section ?? corrects a conflict created by Public Law 2019, chapter 343, Parts D and  
12 III, which affected the same provision of law, by repealing the provision and replacing it  
13 with the Part III version.

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1 **Sec. 58. 30-A MRSA §5903, sub-§6-A**, as amended by PL 2019, c. 343, Pt. D,  
2 §14 and Pt. III, §9, is repealed and the following enacted in its place:

3 **6-A. Median household income.** "Median household income" means the income  
4 computed based on the most current census information available, as provided by the  
5 State Economist.

6 **SUMMARY**

7 Section ?? corrects a conflict created by Public Law 2019, chapter 343, Parts D and  
8 III, which affected the same provision of law, by repealing the provision and replacing it  
9 with the Part III version.

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1 ✓ Sec. 61. 35-A MRSA §3454, first ¶, as amended by PL 2019, c. 343, Pt. D, §15  
2 and Pt. III, §10, is repealed and the following enacted in its place:

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3 In making findings pursuant to Title 38, section 484, subsection 3, the primary siting  
4 authority shall presume that an expedited wind energy development provides energy and  
5 emissions-related benefits described in section 3402 and shall make additional findings  
6 regarding other tangible benefits provided by the development. The Department of  
7 Labor, the Governor's Energy Office and the Public Utilities Commission shall provide  
8 review comments if requested by the primary siting authority.

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10 **SUMMARY**  
11 Section ?? corrects a conflict created by Public Law 2019, chapter 343, Parts D and  
12 IIII, which affected the same provision of law, by repealing the provision and replacing it  
with the Part IIII version.

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1 ✓Sec. 71. 38 MRSA §484, sub-§10, as amended by PL 2019, c. 343, Pt. D, §17  
2 and Pt. III, §12, is repealed and the following enacted in its place:

3 10. Special provisions; wind energy development or offshore wind power  
4 project. In the case of a grid-scale wind energy development, or an offshore wind power  
5 project with an aggregate generating capacity of 3 megawatts or more, the proposed  
6 generating facilities, as defined in Title 35-A, section 3451, subsection 5:

7 A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;

8 B. Will be constructed with setbacks adequate to protect public safety. In making a  
9 finding pursuant to this paragraph, the department shall consider the recommendation  
10 of a professional, licensed civil engineer as well as any applicable setback  
11 recommended by a manufacturer of the generating facilities; and

12 C. Will provide significant tangible benefits as determined pursuant to Title 35-A,  
13 section 3454, if the development is an expedited wind energy development.

14 The Department of Labor, the Governor's Energy Office and the Public Utilities  
15 Commission shall provide review comments if requested by the primary siting authority.

16 For purposes of this subsection, "grid-scale wind energy development," "primary siting  
17 authority," "significant tangible benefits" and "expedited wind energy development" have  
18 the same meanings as in Title 35-A, section 3451.

19 **SUMMARY**

20 Section ?? corrects a conflict created by Public Law 2019, chapter 343, Parts D and  
21 III, which affected the same provision of law, by repealing the provision and replacing it  
22 with the Part III version.

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