MAINE STATE LEGISLATURE

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Legislative Record House of Representatives One Hundred and Twenty-Fourth Legislature State of Maine

Volume III

Second Regular Session

March 24, 2010 - April 12, 2010

Appendix
House Legislative Sentiments
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Pages 1215-1836

APPENDIX TO

Legislative Record

House of Representatives

One Hundred and Twenty-Fourth Legislature

State of Maine

The following communications were received in the Office of the Clerk for inclusion into the Journal and Record of the 124th Legislature.

COMMUNICATIONS

The Following Communication: (H.C. 320)

STATE OF MAINE HOUSE OF REPRESENTATIVES SPEAKER'S OFFICE AUGUSTA, MAINE 04333-0002

September 8, 2010

Honorable Millicent M. MacFarland Clerk of the House 2 State House Station Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority, I have appointed the following members to serve on boards, committees, commissions, task forces and work groups:

Health Information Technology Steering Committee, Executive Order 09 FY 10/11 Representative Elizabeth S. Miller of Somerville Representative Leslie T. Fossel of Alna

Work Group to Review Standards by Which State Law Enforcement Officers May Stop All-Terrain Vehicles, Executive Order 15 FY 10/11

Representative John L. Martin of Eagle Lake Representative Herbert E. Clark of Millinocket Representative Ralph W. Sarty, Jr. of Denmark

Joint Select Committee on Health Care Reform Opportunities and Implementation, House Paper 1262

Representative Sharon Anglin Treat of Hallowell (House Chair)

Representative Straton Anglin Treat of Hallowell (House Chair)

Representative Elizabeth S. Miller of Somerville

Representative Emily Ann Cain of Orono

Representative Charles R. Priest of Brunswick

Representative Gary A. Connor of Kennebunk

Representative Linda F. Sanborn of Gorham

Representative Mark Eves of North Berwick

Representative Adam Goode of Bangor

Representative Patrick S. A. Flood of Winthrop

Representative Wesley E. Richardson of Warren

Representative Meredith N. Strang Burgess of Cumberland

Representative Leslie T. Fossel of Alna

Permanent Commission on the Status of Women, Public Law 2009, Chapter 191

Sarah Standiford of Richmond

Penny Guisinger of Pembroke

Eloise Vitelli of Arrowsic

Natalie Sylvia Michelle of Hampden

Task Force on Kinship Families, Resolve 2009, Chapter 136 as

amended by Public Law 2009, Chapter 392

Representative Patricia R. Jones of Mount Vernon (House Chair)

Representative David C. Webster of Freeport

Representative Sara R. Stevens of Bangor

Representative Joan M. Nass of Acton Representative Donald G. Soctomah of the Passamaquoddy Tribe

Honorable Joseph Mazziotti

Diane Loranger of Saco

Maine Geographic Library Board, Title 5, §2003 reappointing Daniel Coker of Bowdoinham as a representative of a statewide association representing environmental issues.

Community Preservation Advisory Committee, Title 30-A, §4350 appointing Paul Boghossian representing the interests of the real estate or development industry.

Sincerely,

S/Hannah M. Pingree Speaker of the House

RECEIVED by the Clerk of the House and **PLACED ON FILE**.

The Following Communication: (H.C. 321)

MAINE DAIRY & NUTRITION COUNCIL 333 CONY ROAD AUGUSTA, MAINE 04330

April 30, 2010

Representative Hannah M. Pingree Speaker of the Maine House of Representatives 2 State House Station Augusta, ME 04333-0002

Dear Speaker Pingree,

Enclosed for your review and consideration is the calendar year 2009 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin Associates or myself. Austin Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS Executive Director

RECEIVED by the Clerk of the House with accompanying papers **PLACED ON FILE**.

The Following Communication: (H.C. 322)

MAINE DAIRY PROMOTION BOARD 333 CONY ROAD AUGUSTA, MAINE 04330

April 30, 2010

Representative Hannah M. Pingree Speaker of the Maine House of Representatives 2 State House Station Augusta, ME 04333-0002

Dear Speaker Pingree,

Enclosed for your review and consideration is the calendar year 2009 Audit Report of the Maine Dairy Promotion Board, prepared by Austin Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin Associates or myself, we would be glad to assist you in any way. Austin Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS Executive Director

RECEIVED by the Clerk of the House with accompanying papers **PLACED ON FILE**.

The Following Communication: (H.C. 323)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

COMMISSIONER'S OFFICE 221 STATE STREET AUGUSTA, ME 04333-0011

July 23, 2010

MEMORANDUM

TO: Senator Elizabeth H. Mitchell, President of the

Senate

Representative Hannah M. Pingree, Speaker of

the House and

Senator Barry Hobbins and Representative Jon

Hinck, Co-Chairs of the

Joint Standing Committee on Utilities and

Energy

FROM: S/Brenda M. Harvey, Commissioner

SUBJECT: 2009 Report to the Legislature on the State

Nuclear Safety Inspector's Oversight Activities of the Maine Yankee Independent Spent Fuel

Storage Installation (ISFSI)

Legislation was enacted in the spring of 2008 which requires the State Nuclear Safety Inspector, in cooperation with the Director of

Environmental Health in the Maine Center for Disease Control and Prevention, to prepare an annual report of the State Inspector's activities to the Legislature under Title 22 of the Maine Revised Statutes Annotated §666. The report must be submitted annually to the Legislature with oversight from the Joint Standing Committee on Utilities and Energy by the 1st of July.

The enclosed 2009 report provides the information required under 22 MRSA §666, as enacted under Public Law 539, in the second regular session of the 123rd Legislature.

Should you have any questions about its content, please feel free to contact Pat Dostie, State Nuclear Safety Inspector, at 287-6721.

RECEIVED by the Clerk of the House with accompanying papers **PLACED ON FILE**.

The Following Communication: (H.C. 324)

MAINE JOBS COUNCIL 120 STATE HOUSE STATION AUGUSTA, MAINE 04333-0120

September 9, 2010

Representative Hannah M. Pingree Speaker of the House Maine House of Representatives 2 State House Station Augusta, ME 04333-0002

Dear Speaker Pingree,

Pursuant to 26 MRSA, Chapter 25, §2006, Sub §5-B, enclosed are copies of the 2010 Annual Report prepared by the Commission on Disability and Employment.

If you have any questions concerning this report, please feel free to contact me at the Disability Rights Center (207-626-2774, extension 221) or by e-mail at mclarrage1@maine.rr.com

Sincerely,

S/Mel Clarrage, Chair Commission on Disability and Employment

Maine Jobs Council

RECEIVED by the Clerk of the House with accompanying papers **PLACED ON FILE**.

The Following Communication: (H.C. 325)

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333

Date: September 30, 2010

Honorable John Elias Baldacci, Governor Honorable Elizabeth H. Mitchell. President of the Senate Honorable Hannah M. Pingree, Speaker of the House Honorable Bill Diamond, Senate Chair Honorable Emily Ann Cain, House Chair Members, Joint Standing Committee on Appropriations and Financial Affairs

From: S/Dawna J. Lopatosky, Acting State Budget Officer

Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the 2010-2011 biennium and the 2012-2013 biennium in accordance with Title 5 §1665.

The Bureau of the Budget is presenting its budget forecast for the General Fund and the Highway Fund for the 2010-2011 biennium and the 2012-2013 biennium in accordance with Title 5 §1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This budget forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund as required by Title 5 §1665, subsection 7. This budget forecast should provide the most consistent view of revenue and expenditure trends over the long term as a basis for financial planning and decision making.

RECEIVED by the Clerk of the House with accompanying papers PLACED ON FILE.

The Following Communication: (H.C. 326)

STATE OF MAINE **MAINE REVENUE SERVICES** 24 STATE HOUSE STATION **AUGUSTA, MAINE 04333-0024**

October 1, 2010

Senate President Elizabeth H. Mitchell Speaker of the House Hannah M. Pingree Members of the 124th Maine Legislature:

Pursuant to 5 MRSA Section 13070-J, the State Tax Assessor is required to submit a report to the Legislature identifying the revenue foregone as the result of the Jobs and Investment Tax Credit (JITC), the Research Expense Tax Credit (R&D), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, the Credit for Pollution-Reducing Boilers, and public funds spent on the Business Equipment Tax Reimbursement Program (BETR). Attached are four reports that provide you with this information.

The first attachment lists corporations and individuals that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit for tax year 2008, as well as the value of those credits. Tax year 2008 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer

information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits. No taxpaver took advantage of the Credit for Pollution-Reducing Boilers for tax year 2008.

The second attachment explains the Shipbuilding Facility credit. As required by statute, the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has exceeded the base credit amount of \$3 million per

The third attachment is a list of BETR recipients. For purposes of this report, businesses that filed for reimbursement during the fiscal year ending June 30, 2010 are listed. BETR recipients filed between August 1, 2009 and December 31, 2009 for eligible property taxes paid during calendar year 2008. For that period the state reimbursed \$58,353,745 to over 1,800 companies.

Public Law 2009. Chapter 337 (LD 1468) enacted during the last legislative session amended the definition of "economic development incentive" in Section 13070-J to include not only the incentives listed above, but "federal and state statutorily defined programs that receive state funds, dedicated revenue funds and tax expenditures as defined by section 1666 whose purposes are to create, attract or retain business entities related to business development in the State." The additional incentives identified in this new law can be found in the Maine State Tax Expenditure Report 2010 – 2011 prepared for the Joint Standing Committee on Taxation on January 15, 2009.

If you have any questions on this report please do not hesitate to contact me.

Sincerely,

S/Jerome D. Gerard

RECEIVED by the Clerk of the House with accompanying papers PLACED ON FILE.

The Following Communication: (H.C. 327)

MAINE STATE LEGISLATURE OFFICE OF POLICY AND LEGAL ANALYSIS **AUGUSTA, MAINE 04333-0013**

CITIZEN TRADE POLICY COMMISSION

October 22, 2010

The Honorable Elizabeth H. Mitchell, President Maine Senate

The Honorable Hannah M. Pingree, Speaker Maine House of Representatives

Maine State Legislature State House Augusta, ME 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Public Law 2003, chapter 699, the Citizen Trade Policy Commission is pleased to submit its 2010 annual report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla/citpol.htm.

Yours sincerely,

S/Senator Troy Jackson, Chair

S/Representative Margaret Rotundo, Chair

RECEIVED by the Clerk of the House with accompanying papers **PLACED ON FILE**.

The Following Communication: (S.C. 982)

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MAINE SENATE 124TH MAINE LEGISLATURE OFFICE OF THE SECRETARY

August 25, 2010

Honorable Hannah M. Pingree Speaker of the House 2 State House Station Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Carol A. Eckert of Windsor for reappointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of John Jemison of Orono for reappointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Benjamin R. Emory of Salisbury Cove for reappointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Michael Weirs of St. Albans for reappointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of James W. Tracy of Farmingdale for reappointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of George W. McHale of Orrington for reappointment to the State Harness Racing Commission. Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Ellen Schneiter of Readfield for appointment as Commissioner to the Department of Administrative and Financial Services.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Brent A. Cross of Bangor for reappointment to the Finance Authority of Maine

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Patrick O. Murphy of Portland for reappointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Glenn A. Lamarr of Fort Kent for reappointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Anthony A. Armstrong of Cape Elizabeth for appointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Cheri L. Walker of Falmouth for reappointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Thomas E. Thornton, Jr. of Milford for appointment to the Maine Rural Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Cornelius J. Russell of Rockport for appointment to the Maine Rural Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Betsy Fitzgerald of Machiasport for appointment Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Michael Radeka of Whiting for appointment Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Sandra T. Updegraph of Brunswick for reappointment to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Sheryl S. Gregory of Litchfield for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Ryan D. Pelletier of Fort Kent Mills for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Richard E. Barringer of Portland for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Robert J. Thompson of Litchfield for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Robin Zinchuk of Bethel for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Edward A. Barrett of Lewiston for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Eleanor H. Kinney of Bremen for appointment to the Quality of Place Council.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of David W. King of Limestone for appointment to the Loring Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of George R. Ezzy of Augusta for appointment to the Loring Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Patrick E. Paradis of Augusta for appointment to the Loring Development Authority.

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Timothy J. King of Ellsworth for reappointment to the State Board of Corrections.

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Randall A. Liberty of Benton for appointment to the State Board of Corrections.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Angela R. Faherty of Cape Elizabeth for appointment as Commissioner to the Department of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Jana Lapoint of Falmouth for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Martha J. Harris of Winterport for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kris A. Doody of Caribou for reappointment to the Maine Community College Systems, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Daniel E. Wathen of Augusta for reappointment to the Maine Community College Systems, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable Merle R. Nelson of Falmouth for reappointment to the Maine Community College Systems, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Joanna M. Jones of Waldoboro for reappointment to the Maine Community College Systems, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Carol A. Epstein of Bangor for reappointment to the Maine Community College Systems, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Morten Arntzen of New Canaan, Ct. for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Margorie M. Medd of Norway for reappointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kurt W. Adams of Yarmouth for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Judiciary, the nomination of Marvin H. Glazier of Bangor for reappointment to the Maine Commission on Indigent Legal Services.

Upon the recommendation of the Committee on Judiciary, the nomination of Kenneth S. Spirer of Portland for reappointment to the Maine Commission on Indigent Legal Services.

Upon the recommendation of the Committee on Judiciary, the nomination of Sallie V. Chandler of Lebanon for reappointment to the Maine Human Rights Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Ann M. Murray of Bangor for appointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Robert E. Murray, Jr. of Bangor for appointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable MaryGay Kennedy of Brunswick for appointment as a Superior Court Justice.

Upon the recommendation of the Committee on Judiciary, the nomination of Patrick F. Ende of Hallowell for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Susan E. Oram of Auburn for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Bruce A. Jordan of Veazie for appointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Peter J. Goranites of Cumberland for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Charles C. LaVerdiere of Wilton for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Robert E. Mullen of Waterville for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Bernard G. O'Mara of Easton for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable David Griffiths of Presque Isle for reappointment as an Active Retired District Court Judge.

Upon the recommendation of the Committee on Labor, the nomination of Patricia Dunn of Scarborough for appointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Karl Dornish, Jr. of Winslow for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Richard L. Hornbeck of Bowdoinham for reappointment to the Maine Labor Relations Board. Upon the recommendation of the Committee on Labor, the nomination of Richard T. Metivier of Lewiston for reappointment to the Maine Public Employees Retirement System, Board of Trustees.

Upon the recommendation of the Committee on Labor, the nomination of Catherine R. Sullivan of Portland for reappointment to the Maine Public Employees Retirement System, Board of Trustees.

Upon the recommendation of the Committee on Labor, the nomination of Emery Deabay of Bucksport for appointment to the Maine Workers' Compensation Board.

Upon the recommendation of the Committee on Labor, the nomination of Glenn W. Burroughs of Lewiston for reappointment to the Maine Workers' Compensation Board.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Matthew F. Dyer of Augusta for appointment to the Gambling Control Board.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Joseph P. Laliberte of Lewiston for reappointment to the Gambling Control Board.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Michael T. Healy of Freeport

for appointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Walter F. McKee of Hallowell for reappointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Committee on Natural Resources, the nomination of Paul Paydos of Dover-Foxcroft for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Transportation, the nomination of Honorable Gerard P. Conley, Sr. of Portland for reappointment to the Maine Turnpike Authority.

Upon the recommendation of the Committee on Transportation, the nomination of John D. Bubier of Biddeford for reappointment to the Northern New England Passenger Rail Authority.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of James S. Atwell of Falmouth for appointment to the Efficiency Maine Trust Board.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of John M. Rohman of Bangor for appointment to the Efficiency Maine Trust Board.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of David P. Littell of Portland for appointment to the Public Utilities Commission. Upon the recommendation of the Committee on Utilities and Energy, the nomination of Harrison K. Horning of Falmouth for appointment to the Interagency Review Panel.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of Timothy P. Agnew of Yarmouth for appointment to the Interagency Review Panel.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of Barbara R. Alexander of Winthrop for appointment to the Interagency Review Panel.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of Fenwick L. Fowler of Farmington for appointment to the Interagency Review Panel.

Sincerely,

S/Joy J. O'Brien Secretary of the Senate

 $\ensuremath{\mathsf{RECEIVED}}$ by the Clerk of the House and $\ensuremath{\mathsf{PLACED}}$ ON FILE.