Senate of Maine

One Hundred and Twenty-Ninth Legislature
Second Regular Session

Advance Journal and Calendar

11th Legislative Day

In Senate Chamber, Thursday, February 13, 2020.

Senate called to Order by President Troy D. Jackson of Aroostook County.

Prayer by Pastor Glenn Peterson of Hope Baptist Church in Manchester.

Pledge of Allegiance led by Senator Russell J. Black of Franklin County.


Doctor of the day, James "Jay" Mullen, MD of Freeport.

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Out of order and under suspension of the Rules, on motion by Senator LIBBY of Androscoggin, the following Joint Order:

S.P. 753

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 18, 2020 at 10:00 in the Morning.

PAPERS FROM THE HOUSE

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-1) the Monmouth Academy Cheerleading Team, which won the Class C South Championship. We extend our congratulations and best wishes;

HLS 819

(1-2) Bud and Marita Kilton, of Sorrento, who celebrated their 69th Wedding Anniversary on February 3, 2020. We extend our congratulations and best wishes;

HLS 827

(1-3) the Honorable Donald G. Alexander, of Winthrop, who has retired as a Justice of the Maine Supreme Judicial Court after 41 years of service on the bench. Justice Alexander, who is the State's longest serving jurist, first became a District Court judge in 1978 and was appointed to the Maine Superior Court in 1980 and the Supreme Judicial Court in 1988. His book, *Maine Jury Instruction Manual*, which was first published in 1985 and has gone through many editions, has had and will continue to have an enduring effect on Maine law. We extend our appreciation and best wishes;

HLS 828

(1-4) Arthur "Bennie" Benedetto, a lifelong resident of Jay, who has received the Boston Post Cane, an honor given to the oldest citizen of a municipality. We extend our congratulations and best wishes;

HLS 829

(1-5) Maple Moose, in Easton, operated by C.J. and Jodi King and family, which has been named the Maine Maple Syrup Producer of the Year by the Maine Maple Producers Association. We extend our congratulations and best wishes;

HLS 830

(1-6) Donald Katlin, of Gilead, who is retiring from the Bethel Water District after nearly 43 years of public service. Mr. Katlin held the positions of assistant superintendent and superintendent during his career. We extend our congratulations and best wishes;

HLS 831

(1-7) the Town of Oakland, which has received the Community Service Project of the Year Award from the Mid-Maine Chamber of Commerce. We extend our congratulations and best wishes;

HLS 832

Come from the House, READ and PASSED.
COMMUNICATIONS

(2-1) The Following Communication:

S.C. 912

STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

February 10, 2020

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Kathie M. Leonard of Auburn, for appointment to the Maine Community College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS
Senators 2 Millett, R. of Cumberland, Carson, B. of Cumberland

NAYS 0


Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Kathie M. Leonard of Auburn, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Rebecca Millett S/Victoria P. Kornfield
Senate Chair House Chair
February 11, 2020

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Edward David, Esq. of Farmington, for appointment to the Maine Human Rights Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

<table>
<thead>
<tr>
<th>YEAS</th>
<th>Senators</th>
<th>3</th>
<th>Carpenter, M. of Aroostook, Bellows, S. of Kennebec, Keim, L. of Oxford</th>
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| NAYS | 0 |

| ABSTAIN | 1 | Rep. DeVeau, J. of Caribou |

| ABSENT | 1 | Rep. Talbot Ross, R. of Portland |

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Edward David, Esq. of Farmington, for appointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Michael E. Carpenter
Senate Chair

S/Donna Bailey
House Chair
February 11, 2020

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of Jane L. Lincoln of Farmingdale, for appointment to the Maine Turnpike Authority, Board of Directors.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

**YEAS**
- Senators: 2
  - Diamond, B. of Cumberland
  - Chipman, B. of Cumberland
- Representatives: 8
  - McLean, A. of Gorham
  - Austin, B. of Skowhegan
  - Bryant, M. of Windham
  - Cebra, R. of Naples
  - Martin, T. of Greene
  - Perkins, M. of Oakland
  - Sheats, B. of Auburn
  - White, B. of Waterville

**NAYS**
- 0

**ABSENT**
- 3
  - Sen. Farrin, B. of Somerset
  - Rep. Collings, B. of Portland
  - Rep. White, D. of Washburn

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jane L. Lincoln of Farmingdale, for appointment to the Maine Turnpike Authority, Board of Directors be confirmed.

Signed,

S/Bill Diamond
Senate Chair

S/Andrew McLean
House Chair
The Following Communication:

S.C. 913

STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

January 31, 2020

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1770  An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws

This is notification of the Committee’s action.

Sincerely,

Senate Chair  House Chair
February 05, 2020

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 638  An Act To Legalize the Use of Supplemental Minerals To Assist with Wildlife Nutrition

L.D. 695  An Act To Require Biodegradable Hooks and Lures for Freshwater Fishing

This is notification of the Committee’s action.

Sincerely,

Senate Chair    House Chair
February 1, 2020

Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, ME 04333

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Senate President Jackson and Speaker Gideon:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required Quasi-Independent State Entity Review Report from the University of Maine System due by February 1, 2020.

The UMS has an estimated $1.5 billion annual total statewide economic impact and increasingly is investing in Maine's economy, with $54.7 million in goods and services purchased from businesses that are based in Maine or that employ Mainers in FY19.

While competitive procurement is the UMS standard, as provided in State law and corresponding System policy, there are legitimate reasons for waiving competitive procurement in some circumstances. For example, a majority of the expenses for which waivers from our competitive procurement process were granted in FY19 involved the purchase of goods and services that were specifically named in a federal research grant and that were not funded with State dollars. Overall, the value of UMS procurements for which waivers from the competitive process were granted was down 3.75 percent in FY19 from the fiscal year prior.

In an effort to increase transparency and public accountability, the UMS sole source report now includes a description of each relevant transaction and our Board of Trustees reviews this report prior to its submission to the Legislature.

Sincerely,

S/Dannel P. Malloy, Chancellor
University of Maine System

_________________________________
(3-1) Bill "An Act Regarding Prior Authorizations for Prescription Drugs"
S.P. 752  L.D. 2106

Presented by Senator GRATWICK of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES
suggested and ordered printed.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) Victor Lister, of Athens, who is celebrating his 100th Birthday on October 25, 2020. We extend our congratulations and best wishes;
SLS 1049
Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative: GRIGNON of Athens.

(4-2) Pat's Automotive, in Caribou, a family-owned-and-operated full-service station and garage, which is celebrating its 60th anniversary. We extend our congratulations and best wishes;
SLS 1050
Sponsored by President JACKSON of Aroostook.
Cosponsored by Representative: DeVEAU of Caribou.
Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

(4-3) Clarice H. Dort, of Kenduskeag. Mrs. Dort was a talented artist and seamstress who worked at several ladies boutiques. She made lap quilts and other items for the Hospital Chaplaincy Service, quilts for Project Linus and mittens to give out at Halloween. She was a member of the Kenduskeag Union Church for many years. Mrs. Dort will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

SLS 1051

Sponsored by Senator GUERIN of Penobscot.
Cosponsored by Representative: GRIFFIN of Levant.

REPORTS OF COMMITTEES

House

Pursuant to Statute

(5-1) The Committee on JUDICIARY on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Membership of the Archives Advisory Board"

H.P. 1496  L.D. 2101

Reported that the same be REFERRED to the Committee on STATE AND LOCAL GOVERNMENT, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on STATE AND LOCAL GOVERNMENT.
Pursuant to Statute

(5-2) The Committee on JUDICIARY on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"

H.P. 1497  L.D. 2102

Reported that the same be REFERRED to the Committee on JUDICIARY, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Pursuant to Statute

(5-3) The Committee on JUDICIARY on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Regarding Public Records Exceptions"

H.P. 1498  L.D. 2103

Reported that the same be REFERRED to the Committee on JUDICIARY, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

Ought to Pass

(5-4) The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Require That Parking Lots for State Agencies Meet the Standards Set Forth in the Federal Americans with Disabilities Act of 1990" (EMERGENCY)

H.P. 1439  L.D. 2018

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.
Ought to Pass As Amended

(5-5) The Committee on JUDICIARY on Bill "An Act To Amend the Protection from Abuse Laws Concerning Consent Agreements"

H.P. 1336  L.D. 1865

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-674).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674).

(5-6) The Committee on MARINE RESOURCES on Bill "An Act To Provide Noncommercial Lobster and Crab Fishing Licenses and Scallop Licenses to Disabled Veterans at No Cost"

H.P. 1348  L.D. 1882

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-672).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672).

(5-7) The Committee on TRANSPORTATION on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2021"

H.P. 1332  L.D. 1861

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-673).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-673).
Divided Report

(5-8) The Majority of the Committee on JUDICIARY on Bill "An Act To Correct the Maine Revised Unclaimed Property Act To Reflect Recent Changes" (EMERGENCY) H.P. 1335  L.D. 1864

Reported that the same **Ought to Pass**.

Signed:

Senators:
   CARPENTER of Aroostook
   BELLOWS of Kennebec
   KEIM of Oxford

Representatives:
   BAILEY of Saco
   BABBIDGE of Kennebunk
   CARDONE of Bangor
   CURTIS of Madison
   EVANGELOS of Friendship
   HAGGAN of Hampden
   HARNETT of Gardiner
   RECKITT of South Portland
   TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:
   DeVEAU of Caribou

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

_________________________________
Senate

Ought to Pass

(5-9) Senator CARSON for the Committee on ENVIRONMENT AND NATURAL RESOURCES on Bill "An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities"

S.P. 708  L.D. 2006

Reported that the same **Ought to Pass**.

_________________________________

**Ought to Pass As Amended**

(5-10) Senator CARSON for the Committee on ENVIRONMENT AND NATURAL RESOURCES on Bill "An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program"

S.P. 601  L.D. 1777

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-385).**

_________________________________

(5-11) Senator GRATWICK for the Committee on HEALTH AND HUMAN SERVICES on Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment To Exempt Retirement and Educational Assets from Calculations for Medicaid Eligibility

S.P. 102  L.D. 362

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-387).**

_________________________________

(5-12) Senator DIAMOND for the Committee on TRANSPORTATION on Bill "An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving" (EMERGENCY)

S.P. 653  L.D. 1901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-386).**

_________________________________
SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

**House**

(6-1) Bill "An Act To Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy"

H.P. 1495  L.D. 2098

**House As Amended**

(6-2) Bill "An Act To Include Student Absences for Mental Health or Behavioral Health Needs as Excusable Absences"

H.P. 1326  L.D. 1855
(C "A" H-671)

**Senate As Amended**

(6-3) Bill "An Act To Authorize Separate Alternative Compliance Payment Rates for Maine's Renewable Portfolio Standard and To Amend the Laws Governing Thermal Renewable Energy Credits" (EMERGENCY)

S.P. 648  L.D. 1896
(C "A" S-384)

(6-4) Bill "An Act To Amend the Laws Governing Motor Vehicle Child Restraint Systems To Allow Certain Exceptions"

S.P. 652  L.D. 1900
(C "A" S-382)

(6-5) Bill "An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting"

S.P. 699  L.D. 1997
(C "A" S-380)

(6-6) Bill "An Act To Provide for the 2020 and 2021 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 706  L.D. 2004
(C "A" S-381)
The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency Measure

(7-1) An Act To Amend the Laws Governing Recounts in Municipal Elections

S.P. 691  L.D. 1989
(C "A" S-375)

Resolve

(7-2) Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

H.P. 937  L.D. 1294
(H "A" H-666)
ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 516.

1.

Tabled and Later Assigned

An Act To Establish the Wood Energy Investment Program

S.P. 266  L.D. 912
(C "A" S-193)

Tabled - June 20, 2019 by Senator LIBBY of Androscoggin

Pending - CONSIDERATION

(CARRIED OVER to any Special or Regular Sessions, or both, of the 129th Legislature pursuant to Joint Order H.P. 1322)

(RECALLED From Governor’s Desk pursuant to Joint Order S.P. 266)

(In Senate, June 7, 2019, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)
2.

Tabled and Later Assigned

An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment

S.P. 621  L.D. 1836
(C "A" S-354)

Tabled - June 20, 2019 by Senator LIBBY of Androscoggin

Pending - ENACTMENT in NON-CONCURRENCE

(CARRIED OVER to any Special or Regular Sessions, or both, of the 129th Legislature pursuant to Joint Order H.P. 1322)

(In Senate, June 20, 2019, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354).)

(In House, FAILED ENACTMENT.)

3.

Tabled and Later Assigned

An Act Regarding the Definition of 'Serious Bodily Injury' in the Maine Criminal Code

S.P. 302  L.D. 1023
(C "A" S-116)

Tabled - June 20, 2019 by Senator LIBBY of Androscoggin

Pending - CONSIDERATION

(CARRIED OVER to any Special or Regular Sessions, or both, of the 129th Legislature pursuant to Joint Order H.P. 1322)

(RECALLED From Governor’s Desk pursuant to Joint Order S.P. 629)

(In Senate, June 19, 2019, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)
4.

Tabled and Later Assigned

Bill "An Act Regarding the Sale of Information by the Secretary of State"

S.P. 718  L.D. 2028

Tabled - January 14, 2020 by Senator CLAXTON of Androscoggin

Pending - REFERENCE

(Committee on STATE AND LOCAL GOVERNMENT suggested and ordered printed.)


5.

Tabled and Later Assigned

Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent

S.P. 295  L.D. 1016

(C "A" S-94; S "A" S-335 to C "A" S-94)

Tabled - January 14, 2020 by Senator DILL of Penobscot

Pending - CONSIDERATION

(RECALLED from the Governor's Desk, pursuant to Joint Order (S.P. 704), in concurrence.)

(In Senate, June 20, 2019, FINALLY PASSED in concurrence.)

(In House, FINALLY PASSED.)


6.

Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Rwanda Bean, in South Portland

SLS 987

Tabled - January 28, 2020 by Senator MILLETT of Cumberland

Pending - PASSAGE
7. Tabled and Later Assigned

JOINT ORDER - Directing the Joint Standing Committee on Education and Cultural Affairs To Report Out a Bill Regarding the Study of the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs

S.P. 740

Tabled - January 30, 2020 by Senator MILLETT of Cumberland

Pending - PASSAGE

8. Tabled and Later Assigned

Bill "An Act To Improve Consistency within the Maine Human Rights Act"

H.P. 1218  L.D. 1703
(C "A" H-643; S "A" S-349;
H "A" H-654)

Tabled - February 4, 2020 by Senator LIBBY of Androscoggin

Pending - CONSIDERATION

(In Senate, June 20, 2019, PASSED TO BE ENACTED in concurrence.)
In House, RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1426.

(In House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-665) in NON-CONCURRENCE.)

9. Tabled and Later Assigned

JOINT RESOLUTION - RECOGNIZING FEBRUARY 5, 2020 AS NATIONAL GIRLS AND WOMEN IN SPORTS DAY

S.P. 746

Tabled - February 4, 2020 by Senator HERBIG of Waldo

Pending - ADOPTION
10.

**Tabled and Later Assigned**

**JOINT RESOLUTION - Memorializing Todd N. Tolhurst, of South China.**
SLS 1025

Tabled - February 4, 2020 by Senator **VITELLI** of Sagadahoc
Pending - **ADOPTION**

**SPECIAL STUDY TABLE**

1.

Resolve, To Establish a Background Check Consolidation Commission
H.P. 436  L.D. 592
(C "A" H-35)

Tabled - April 11, 2019 by Senator **VITELLI** of Sagadahoc
Pending - **FINAL PASSAGE**

2.

Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals
H.P. 890  L.D. 1229
(C "A" H-452)

Tabled - June 7, 2019 by Senator **VITELLI** of Sagadahoc
Pending - **FINAL PASSAGE**

3.

Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers
S.P. 198  L.D. 636
(C "A" S-236)

Tabled - June 11, 2019 by Senator **VITELLI** of Sagadahoc
Pending - **FINAL PASSAGE**
**SPECIAL APPROPRIATIONS TABLE**

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