

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
April 23, 1987

Senate called to Order by the President.

Prayer by Reverend Calvin Dame of the All Souls Unitarian Church in Augusta.

REVEREND DAME: Let us pray. O great and gracious Spirit, known by a thousand names, called by no name at all, yet residing in every human heart. We ask Thy blessings on this assembly. May you who are gathered here, this morning, remember that although the issues that you are called upon to consider are public issues, and although your deliberations and your lives are very much in the public eye, still you are individuals with private selves and private lives.

Only as you care for and honor the richness, wholeness and holiness of your own lives, will you be able to care for an honor the matters entrusted to you. Only as you seek wisdom in the living of your own lives, will wisdom guide your deliberations in this Chamber. Only as you set your own eyes on high ideals, will the actions of this Body be guided by the highest of human vision.

May your deliberations and your decisions be guided by such a vision, A vision of a society more just, a vision of a prosperity ever more wide-spread, a vision of a world at peace and ever more secure, a vision of a world in which our best hopes and dreams for the common good may become a reality. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Water Quality and Reclaim Lost Marine Resources"

H.P. 980 L.D. 1327

Bill "An Act to Establish a Moratorium on Licensing, Development and Expansion of all Solid Waste Disposal Facilities, Landfills and Incinerators Pending the Development of a Comprehensive Solid Waste Management Plan for this State" (Emergency)

H.P. 983 L.D. 1330

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Enable Hunting for the Disabled"

H.P. 975 L.D. 1322

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Require that Presentencing Reports be Made on All Persons Convicted of Sex Offenses"

H.P. 972 L.D. 1319

Bill "An Act to Amend Procedural Safeguards Regarding Juvenile Offenders"

H.P. 973 L.D. 1320

Bill "An Act to Provide for the Issuance of Summonses"

H.P. 977 L.D. 1324

Bill "An Act to Revise the Harassment Law"

H.P. 984 L.D. 1331

Bill "An Act Concerning Child Support Payments and the Method Used by Courts in Setting Payment Levels"

H.P. 985 L.D. 1332

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act Relating to Subcontractors Under the Workers' Compensation Act"

H.P. 982 L.D. 1329

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Resolve, Authorizing Richard W. Kane or his Legal Representative to Bring a Civil Action Against the State

H.P. 976 L.D. 1323

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Mussel Harvesting"

H.P. 979 L.D. 1326

Bill "An Act to Establish a Tax to Provide for the Comprehensive Monitoring of Paralytic Shellfish Poison"

H.P. 981 L.D. 1328

Come from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish the First Week of June as Maine State Garden Week" (Emergency)

H.P. 974 L.D. 1321

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Equalize Truck Weights on All Maine Roads"

H.P. 978 L.D. 1325

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Joint Resolutions

The Following Joint Resolution: H.P. 986
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUEST A PROMPT RULING FROM THE INTERSTATE COMMERCE COMMISSION REGARDING EMPLOYEE PROTECTION IN THE CASE OF THE SPRINGFIELD TERMINAL, NEW YORK DOCK

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

WHEREAS, the Maine Central Railroad owned by Guilford Transportation Industries has made application to the Interstate Commerce Commission for an exemption to lease certain trackage rights; and

WHEREAS, this exemption is to lease Maine Central Railroad trackage rights on Maine Central branch lines to the Springfield Railway Company, another Guilford Transportation Industries wholly-owned subsidiary; and

WHEREAS, the proposed transaction has raised considerable concern in Maine for the rights of employees affected by the transfer and continued safety compliance on the branch lines; and

WHEREAS, that concern has raised important questions concerning the opportunity for a public hearing on the application and whether Mendocino Coast or New York Dock labor protection provisions apply if the application is approved; and

WHEREAS, affected Maine citizens are entitled to a prompt ruling on the Interstate Commerce Commission's review of this application; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge the Congress of the United States to use the power within their authority to obtain not only a prompt ruling on the review of this application by the Interstate Commerce Commission, but also an assurance that the New York Dock labor protection provisions will apply if the application is approved, to relieve the concerns of the Maine Legislature and those citizens, especially our rail workers; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION.

The Following Joint Resolution: H.P. 987

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES CONCERNING THE LOCKOUT OF EMPLOYEES AT SIMPLEX WIRE AND CABLE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, on July 30, 1986, union employees of the Simplex Wire and Cable Company, in Newington, New Hampshire, a subsidiary of Tyco Labs, Inc., were locked out of their jobs as a result of a labor dispute; and

WHEREAS, the Department of Employment Security has determined that a lockout has occurred; and

WHEREAS, 95 members of Local 2208 of the International Brotherhood of Electrical Workers are Maine residents; and

WHEREAS, the union members of Local 2208 have collectively given over 15,000,000 hours of their lives in the employment of that company and made it a strong, profit-making organization with contracts of over \$125,000,000 outstanding; and

WHEREAS, last spring the members of Local 2208 of the International Brotherhood of Electrical Workers volunteered their time and labor to make the cable that permitted the lights to be turned back on the Statue of Liberty on July 3, 1986, and, in so doing, brought pride to all United States citizens for their contribution to the centennial celebration of the symbol of hope and freedom; and

WHEREAS, it has long been recognized by our society that workers are entitled to be members of labor unions; and

WHEREAS, a majority of workers at Local 2208 are veterans of the Armed Forces of the United States and many of them have received commendations from the United States Department of Defense for their work at Simplex; and

WHEREAS, the lockout at Simplex affects the lives of many Maine citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge that the workers be allowed to return to work under the contract that expired on July 30, 1986, and that, failing to do so, the Congress of the United States take appropriate action to end a dispute that affects our nation's defense; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 970

JOINT RESOLUTION COMMEMORATING THE "DAYS OF REMEMBRANCE" OF THE VICTIMS OF THE NAZI HOLOCAUST

WHEREAS, less than 42 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors may never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 26th has been designated internationally as a Day of Remembrance of victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 26th through May 3rd as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 113th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Nazi Holocaust, recommit ourselves to the lessons of the Nazi Holocaust through this international week of the commemoration and express our common desire to continually strive to overcome

prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

SENATE PAPERS

Bill "An Act to Improve Fire Prevention Activity of Railroads"

S.P. 439 L.D. 1334

Presented by Senator DOW of Kennebec

Cosponsored by: Representative MOHOLLAND of Princeton, Representative MCPHERSON of Eliot

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27 WHICH was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Prevent the Use of Leg Hold Traps for Trapping Animals Within Areas Designated as Residential Within Organized Towns"

H.P. 503 L.D. 676

Bill "An Act to Change the Date for Statewide Primary Elections"

H.P. 611 L.D. 829

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Fairly Apportion the Cost of New Water Utility Expansion"

H.P. 242 L.D. 310

Bill "An Act to Allow for the Disposal of Blank Election Material within 60 Days of the Election"

H.P. 400 L.D. 534

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Recognize Foreign Adoption Decrees"

H.P. 356 L.D. 459

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act Relating to Lobster Trap Vents"

H.P. 322 L.D. 421

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-70).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-70) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Use of County Facilities"

H.P. 224 L.D. 292

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-68).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-68) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District"

H.P. 440 L.D. 593

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-69).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-69) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas"

H.P. 247 L.D. 317

Reported that the same Ought to Pass in New Draft under same title.

H.P. 961 L.D. 1290

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide Notice of Underground Facilities Upon Transfers of Real Property"

S.P. 249 L.D. 698

SECOND READERS

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

House As Amended

Bill "An Act to Strengthen Local Planning Abilities Through Regional Councils"

H.P. 259 L.D. 342
(C "A" H-66)

Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources"

H.P. 327 L.D. 426
(C "A" H-67)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act Relating to School Construction"

S.P. 435 L.D. 1315

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas

H.P. 113 L.D. 138
(C "A" H-61)

An Act Relating to Legal Status of Partnerships

H.P. 348 L.D. 447

An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities

H.P. 773 L.D. 1036
(H "A" H-63)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Senator BRANNIGAN of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. I would like to take this opportunity, on the Record, concerning the intent behind L.D. 447, a statement of fact for L.D. 447 State that: "The purpose of this Bill is to enact the entity theory of partnerships by allowing partnerships and limited partnerships to sue and be sued in their own name."

While this statement is accurate as it relates to a partnership's right to be sued, it tends to indicate that it is the legislative intent to wholly adopt the so-called "entity" theory of partnerships and limited partnerships.

Without getting into the legal technicalities of the so-called "entity" theory of partnerships versus the common-law theory of partnerships as mere groups of individuals, I would like to clarify that the purpose of this Bill is limited solely to allowing partnerships and general partnerships to sue and be sued in their own name. Present law requires that a partnership must sue or be sued only in the names of the individual partners, except for certain limited circumstances, such as actions concerning real estate owned in the partnership name. This Bill will allow partnerships, be they limited or general partnerships, to sue and be sued in the partnership name.

The Bill enacts the "entity" theory of partnerships only for this limited procedural

purpose. The substantive rights and obligations of the partners will continue to be governed by existing statutory provisions. Thank you.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1987

H.P. 956 L.D. 1285

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 951 L.D. 1280

Tabled - April 22, 1987, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator CLARK of Cumberland to refer to the JOINT SELECT COMMITTEE ON CORRECTIONS (Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 15, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

Which was referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED in NON-CONCURRENCE. Sent down for concurrence.

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Joint Resolution - Memorializing Congress to Request a Prompt Ruling from the Interstate Commerce Commission Regarding Railroad Employee Protection in the Case of the Springfield Terminal, New York Dock

H.P. 986

Tabled - April 23, 1987, by Senator CLARK of Cumberland.

Pending - ADOPTION

(In Senate, April 23, 1987, READ.)

(In House, April 22, 1987, READ and ADOPTED.)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I will be very, very brief today. As all of you in this Chamber probably know, we have delegation from this Chamber, which has just concluded a meeting with Mr. Pease and Guilford Industries. One of the contentions made in that meeting is that this Resolution means nothing. A lot of Resolutions, at times, carry very little weight. I guess I come away from the meeting that if that is the case then why at the eleventh hour, after the debate has gone on in this Body and in the other for

nearly three years now, about Guilford Industries and about the rail system that we want to see in Maine, that the Company would finally decide that it is time to come and talk. The last few years I have done more talking to the railroad employees, union employees, that are now out of work, then any group of citizens since I have been a Legislator. There probably isn't a night, when I am not at home with my two kids and my wife, when I don't get a call from a displaced railroad union worker who wonders about his or her future. Some with service to the rail industry of a year to thirty years that are now out of work and want to go back to work. This Resolution is extremely important today, because it sends a strong message to Washington, that the Maine Legislature believes that this is the court of last resort. That the Legislature is important and what we do is the business of the citizens of the State and when the citizens of the State of Maine have been mistreated and improperly handled that this is a place where people can get redress and they come to this Legislature. I sincerely hope, and I pray, that the Company and Guilford Industries, in particular, will now see fit to come and to talk out these disputes with Legislators, with union employees and their representatives, and with the citizens of the State of Maine and put the issues on the table because that is what America is all about. We have come along way as citizens of this Country. Disputes are not resolved in smoke filled rooms in the back of buildings anymore, they are brought to the light of justice.

The workers of the state have a very important role to play in this state and their rights and their concerns are our concerns. Whether they are business people or union workers we want to hear from them and we want to help make this a better state for everyone. I want to see a rail system that is second to none and I want to see the employees feel that they have a part, with dignity and respect from their company. I think it can happen, ladies and gentlemen of the Senate, if all the participants will come and discuss the issues in an open forum, like this Legislature is. I hope that you will unanimously support this Resolution that the Maine Legislature is involved and will continue to be involved and that we want to see a fair Resolution for all concerned. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President, men and women of the Senate. Some time around 1910, a young man who was going to become my grandfather left the town of Mattawamkeag with his bride, my grandmother, and moved down river on the railroad to the town Milford. They raised their seven or eight children there. He became a railroad man for the Maine Central. One of his sons also became a railroad man, two of his daughters married men who were going to be railroad men all their lives. One of my grandfathers nephews became a vice president of the Maine Central Railroad, retired not very long ago. My mother tells the story that in those days it was not uncommon to have a large family and to lose a number of children when they were young in life. That happened to my grandparents, when the children died, I think four died, they were put on the train and taken back up home to Mattawamkeag. The railroad did that and when the train finally got there, they were put on a horse and wagon and taken to the cemetery. It was a good organization to work for. My grandfather had a heart attack on the railroad and died several days later, after having had the heart attack. My uncle, who was the only one who

remains alive now, called my mother up one afternoon and he said to her, "This is the last day I am working for the railroad." Forty to forty-five years and she said, "Oh, I am pleased for you." On the way home to go to one section to the other, he had to cross a crossing to get to his house and there was a snow storm that day and he stopped and shoveled off the crossing.

Those are the kind of people who work for the railroad in my family and the railroad has not responded in kind recently. That kind of work environment that we were so proud of and I might tell you that I have relatives that work for the Canadian Railroad too in Mattawamkeag, even to this day. It is gone and that is so sad to have that gone, because those people wanted to work for that railroad, they were honored to work for that railroad and the railroad was very good to them. But, it isn't anymore and I think it is really a very bad mistake for the way management has treated its' labor, with regard to the railroads in this state.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I, too, urge support for this measure. The shops in the railroad yard in Waterville has been closed in the last year and many people have been fired. When they were fired they were fired in a very, very arrogant manner. The people of my Senate district, Maine Central Railroad employees and the people of Maine and our businesses and industries have been treated with great disregard and disrespect by Guilford Transportation. This company is crying out for further federal and state regulation and it is crying out to be taken over either by the federal government or the people of Maine. I certainly would support a much stronger Resolution than this, but in the absence of such a Resolution, I urge immediate passage of this measure and that it be sent quickly, not by rail, but by air to Washington.

Which was ADOPTED, in concurrence.

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator DOW of Kennebec, ADJOURNED until Friday, April 24, 1987, at 12:00 in the afternoon.