

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Tuesday, April 26, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Armand Bill of St. Bridget's Catholic Church, North Vassalboro.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees**

**Unanimous Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Transfer Responsibility for Bridge Improvement and Maintenance on Reclassified Roads to the Department of Transportation" (S. P. 205) (L. D. 627)

Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Regarding Rate Increase Filings by Water Districts" (S. P. 412) (L. D. 1259)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Establish Wage-based, Cost-of-living Adjustments for Retired State Employees, Teachers and Beneficiaries" (S. P. 209) (L. D. 630)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Partially Exempt Retirement Pay from Maine State Income Tax" (S. P. 258) (L. D. 803)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Require Manufacturers Selling Warranted Products in Maine to Maintain In-state Repair Facilities" (S. P. 293) (L. D. 898)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Ought to Pass in New Draft**

Report of the Committee on Labor on Bill "An Act to Clarify, Simplify and Improve Certain Sections of the Labor Laws of Maine" (S. P. 281) (L. D. 846) reporting "Ought to Pass" in New Draft (S. P. 497) (L. D. 1503)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft given its first reading and assigned for its second reading, Wednesday, April 27.

**Ought to Pass in New Draft/New Title**

Report of the Committee on Judiciary on Bill "An Act Concerning Separate Trials Arising from the Same Criminal Episode and Concerning Probation and Suspended Prison Sentences" (S. P. 287) (L. D. 875) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Probation and Suspended Prison Sentences" (S. P. 498) (L. D. 1504)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft given its first reading and assigned for its second reading, Wednesday, April 27.

**Divided Report**

Six Members of the Committee on Judiciary on Bill "An Act to Prohibit the Dissemination of Obscene Material" (S. P. 112) (L. D. 264) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Obscenity Laws" (S. P. 477) (L. D. 1438)

Report was signed by the following members:  
Senator:

TRAFTON of Androscoggin

— of the Senate.

Representatives:

FOSTER of Ellsworth  
LIVESAY of Brunswick  
DRINKWATER of Belfast  
HAYDEN of Durham  
HOBBINS of Saco

— of the House.

Four Members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass".

Report was signed by the following members:  
Senator:

COLLINS of Knox

— of the Senate.

Representatives:

JOYCE of Portland  
REEVES of Newport  
CARRIER of Westbrook

— of the House.

Three Members of the same Committee on the same Bill report in Report "C" that the same "Ought Not to Pass".

Report was signed by the following members:  
Senator:

VIOLETTE of Aroostook

— of the Senate.

Representatives:

SOULE of Westport  
BENOIT of South Portland

— of the House.

Came from the Senate with Report "A" "Ought to Pass" in New Draft under New Title read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, I move acceptance of Report A.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that Report A be accepted in concurrence.

The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will reject the motion made by the gentleman from Saco, Mr. Hobbins, and vote to accept Report B which keeps the original bill, L. D. 264.

L. D. 264 was presented on behalf of thousands of Maine people, including myself, who are disgusted with the filth that is being introduced to our people by the dissemination of obscene literature and material.

Several communities have passed local ordinances governing this type of material, and some say that we should leave it to the local communities, but you know as well as I do that one town will pass an ordinance and then these people that are selling this material just move right on over into the next one and keep right on selling. I feel that a state statute or a state law would save these cities and towns a lot of time and money and would make for more uniform enforcement.

In my own district, a store opened where films, books and shows were shown on stage and the material could also be purchased. Local authorities, with the help of the District Attorney's Office, closed down the shows but the material is still being sold.

There are other problems that develop not only with the selling of the material, it is just like a forest fire—you put it out in one place and it pops up somewhere else even worse. We have had problems with the making of porno films using minors, there has been drug-related problems; this is all down in my own district and I know there are two or three other towns or cities in this state that are having the same problem. I know that if each one of you had this in your district or your town, you would feel just the same way that we do.

I just ask for your help on this in the acceptance of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill and I wish you would vote for Report B. I am not going to bore you with a speech on the subject because you and I know what it is all about.

I cosponsored the bill because I felt it was time for us to do something for our young children who are exposed to such matters. You will probably tell yourself, it is not my problem and I am not going to get involved. I am sorry to tell you, it is your problem to protect the children of Maine, protect the people of Maine whether they are children or grownups. Anything that harms one segment of the state harms all of us in some way, shape or manner. Some of you will hide behind the First Amendment. I know what the First Amendment says. The people that are operating these places know what this says too. In fact, they are counting on it to do their dirty work.

I could go on but I am not going to. I am just going to ask you to sincerely think this over and start being of help to our children. Let's show them that the First Amendment is not a blind for their operation. Let's show the people of Maine that we care for our children, and I will ask for a roll call, please.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Men and Women of the House: As you can see, the Judiciary Committee was torn between three reports in deciding this particular issue.

Report A, which six members of the Judiciary Committee signed, and which I also signed, is a new draft; it replaces the original bill. It amends the current law prohibiting dissemination of obscene material to minors by raising the penalty from a Class D crime, which is a misdemeanor, to a felony, which is a Class C crime, which means an individual who is convicted of disseminating obscene matter may be sentenced up to five years in jail.

The redraft, L. D. 1438, also standardizes the definition of a minor for the obscenity laws which we have on our books to anyone under 18 years of age, and it standardizes the definition of obscene matter.

We had a very thorough hearing on this particular piece of legislation. There were those who testified before the Judiciary Committee that we in fact would be abridging the First Amendment rights by doing anything whatsoever in this particular area, and several members of the committee who signed this bill "ought not to pass" feel for many reasons that we would be abridging a person's First Amendment rights. Those individuals also were very sensitive to the arguments that were raised that this particular issue is being litigated in Superior Court dealing with the Portland obscenity ordinance.

Report B, which is the original bill, L. D. 264, is modeled after the Portland ordinance which, as you know, narrowly passed in last November's election.

Report A, which is signed by six members of the committee, including myself, recognizes in this particular redraft of L. D. 264 that there is a problem with the dissemination of material to minors. Most of the testimony that was presented at a very long and thorough hearing which was held at the Augusta Armory and which over three or four hundred people attended, attests to the fact that the major concern among those who support this whole issue is the dissemination of obscene material to minors. Six members of the committee were cognizant of that fact and attempted in a way to put this state on notice that we will not condone this type of activity dealing with minors and that we will place heavy criminal sanctions upon those who break the law. By doing so, six members of the committee recommend that we increase the criminal sanction from a

misdeemeanor to a felony, to establish a public policy of this body, of the Maine Legislature, that we consider this type of activity not consistent with the public welfare and good.

However, a majority of the committee also recognized that it would be very difficult to establish a community standard for the whole state. It would be very difficult because of the problems that arise, like the conflict in Portland, to structure a law which would do what those who support this issue intend to do.

I would hope that you would go along with I think a very responsible report, and that is Report A, "Ought to Pass," which increases the sanctions from a Class D, which is a misdemeanor, to a Class C crime for those who disseminate that type of material to our minors in this state. I urge you all to look at this issue very closely, it is an emotional issue but I think it is one that we can do something about.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I would like to pose a question to a member of the committee. What are the penalties for violation of a Class C crime?

The SPEAKER: The gentleman from Freeport, Mr. Mitchell, has posed a question through the Chair to any member of the Judiciary Committee who may care to respond.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: The penalty for a Class D crime, the court shall set a definite period of less than one year, plus there is a financial penalty of \$1,000 for a Class D crime. Class C is \$2,500 or the court shall set a definite period not to exceed five years.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: You will have a chance today to actually attack a problem which is all over the state and is not limited to our area around Portland.

I am a signer of the B Report, which is actually the bill as presented to you and not a redraft. All there is in the redraft is they have changed the penalty, which actually is in the bill anyway.

Probably the best trial lawyer in the state drew this piece of legislation up, Mr. Ralph Lancaster, and I am sure that he had help from some other very able attorneys in this state that are concerned with the problem that we have with the abuse of kids being used for pornography and with the abuse that certain places in Portland are allowed to operate under.

There are a few things that have been said that I want to re-emphasize, and that is the fact that the Supreme Court of the United States did say that obscenity is not covered under the First Amendment, and here is what the ruling says: "In our view, to equate the free and robust exchange of political debate with the commercial exploitation of obscene material demeans the grand conception of the First Amendment and its high purposes in the historic struggle for freedom. It is a misuse of the great guarantees of free speech and free press."

What was said a few minutes ago that this is drawn from the Portland ordinance, that they are fast over there, it is true, but actually the Portland ordinance comes from the Texas ordinance. The Texas ordinance, in fact, has been

held constitutional by the Fifth and the Ninth Federal District Courts of Appeal in Texas. They also state that with the enforcement down in Texas, they have had a hundred percent conviction rate in 247 cases in Houston and 34 cases in Fort Worth to date. So if this was not protected under the First Amendment, they would be able to actually convict and get that kind of percentage on the cases brought to court.

This is a chance for you—and this is a deviation from the type of bills that we have had so far—this is a chance for you to actually start doing something today about a big problem that we have and a big problem that is of concern to you and your family, and I hope that you refuse to accept the A Report so we can accept the B Report.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I am on the A Report is that we can do something. The B Report could be held up in the courts. The Portland bill is held up that way now. It can go on appeal; it can be two years before it is settled. The State of Maine could be in the same predicament. That is why we worked long and hard on a piece of legislation that you can pass, that you can come out with a good bill this year.

The A Report does four major things in my belief. First of all, it makes it a Class C crime, from a Class D crime to a Class C crime that is a felony. Number 2, it makes the age from 16 years of age to 18 years of age under the obscenity law. Number 3, it includes a definition of obscenity—that is new. Number 4, it includes motion pictures.

Ladies and gentlemen of the House, it is my really true belief that you can do something in regard to obscenity today if you accept Report A. Report B is a long way down the road.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that Report A be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bost, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cox, Crouse, Daggett, Diamond, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Jackson, Jacques, Joseph, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Scarpino, Seavey, Small, Soucy, Sproul, Stevens, Stevenson, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Willey, The Speaker.

NAY—Andrews, Baker, Benoit, Bonney, Brodeur, Cahill, Carrier, Conary, Conners, Connolly, Crowley, Davis, Day, Dexter, Dillenback, Ingraham, Kelleher, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McGowan, McPherson, McSweeney, Nadeau, Perkins, Reeves, J.W.; Salsbury, Sherburne, Smith, C.B.; Soule, Stover, Strout, Weymouth, Zirkilston.

ABSENT—Bott, Cote, Curtis, Gauvreau, Higgins, H.C.; Jalbert, Joyce, Kane, Mahany, McColister, Nelson, Smith, C.W.

Yes, 102; No, 35; Absent, 12; Vacant, 2.

The SPEAKER: One hundred two having voted in the affirmative and thirty five in the negative, with twelve being absent and two vacant, the motion does prevail.

Thereupon, the New Draft was read once.

Under suspension of the rules the New Draft was read the second time and passed to be engrossed in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Provide for the Use of Major Credit Cards at State Liquor Stores" (S. P. 160) (L. D. 448) (C. "A" S-50) which Failed of Passage to be Enacted in the House on April 19, 1983.

Came from the Senate Passed to be Engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, I move that the House adhere and I ask for a roll call.

The SPEAKER: The gentleman from Orono, Mr. Bost, moves that the House adhere.

The gentleman may proceed.

Mr. BOST: Mr. Speaker, Men and Women of the House: I ask that you not recede and concur this morning. L.D. 448 is a bill which has managed to linger on before this body for some time now, long enough, fortunately, to enable individual members to go home and think it over a while, which I believe accounts for the turn around in sentiment last Tuesday afternoon. I ask the House today to stand firm on its position to reject this unfortunate bill. It is a liquor lobby bill and transparently so. It is also a bank bill in equal transparency. It is in no way a people's bill.

No consumers have been beating down my door for the opportunity to stockpile booze with their Visa card. No reformed alcoholics have been calling me to enhance the availability of booze. No proponents of stiff penalties for drunk drivers have reassured me that this bill does not present a flurry of contradictions.

I have heard proponents speak of customer convenience, citing horror stories of someone needing to purchase a couple of hundred dollars worth of booze for their festivities and only having \$195 in cash. That sort of rationale is simple nonsense.

I have also listened ad nauseam to the argument that New Hampshire does it, therefore so must we. I don't look to the good folks in New Hampshire for guidance on these issues, and I don't believe any of us can continue this trend of being captive to our border state.

If you listen to some people on this subject, you wonder how we ever managed to survive to this point without this legislation. As Representative Crowley so eloquently summarized last week—this is a booze bill, plain and simple. Arguments for increased revenue as a result of this legislation should be soundly rejected by those among us who are concerned about the immense sums of money we as a state commit to alcohol rehab programs alone. There is a cause and effect relationship present here between availability and consumption and in turn between increased consumption and abuse.

When we speak of an additional revenue figure of at least \$2.3 million, we are simply kidding ourselves that this does not point directly to increased consumption. There is no groundswell of grassroots support for this bill, that is unless your constituency is comprised of liquor lobbyists.

As one example, in a recent Channel 13 news pole, 86 percent of roughly 800 people polled were against using credit cards for liquor purchases. Scientific or not, these results are conclusive. This bill looks worse everytime I see it.

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move that the House recede and concur and I would like to speak to my motion, and I request a roll call.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House recede and concur.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the years that I have been in this House, I have supported every social program that I could lay my hands on to help people. One program that I have consistently supported are programs that dealt with the plight that we have with alcoholism in this state.

One thing I have always tried to do is be consistent in my voting patterns in this House on a variety of issues, and I suggest that the good gentleman from Orono in his remarks is absolutely not consistent, because if he is the purist that he would like us to believe him to be, then he would have submitted before the committee and also this House an amendment to this particular bill, if he really was a purist, to stop the use of credit cards for purchasing liquor when people go to the restaurants, to stop the use of credits if you use a motel room and you should order a bottle of liquor and, more importantly, stop 57 agency liquor stores in this state if they should want to opt to use a credit card. I don't know exactly what all his reasons are, but his is a fountain of inconsistencies as far as I am concerned on this particular issue.

I don't drink, and I think the argument that is being used in this House about the abuse of credit cards is complete nonsense. If we want equity in the allowance of people to purchase liquor in this state, then we should support the bill, not kill it. But if the very men and women in this House who argue on the other side truly mean their arguments, then I suggest that they go to the Legislative Council and put in a bill (1) to stop any agency store from allowing them to use credit cards; (2) the purchase of liquor on their credit cards in any restaurant or motel; (3) to prevent anyone from using their credit cards should they have a motel room or a hotel room in purchasing liquor.

If these people are purists and they want to be consistent, I suggest that the heros on the other side do just that, but don't sit smugly in your seats and kill this particular bill because you might not like the banks or you might not like the use of credit cards by out-of-state people coming into this state, or even in-state people, and using them. You can't have it both ways.

Please be consistent. If you really want to kill the credit card bill, then let's see where your courage is and go to the legislative leadership and get the other bill in.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I want to be consistent this morning. This is about the fourth time I have spoken against this bill and I will try to tell you something different every time so it won't be repetitious.

I represent a lot of poor people who can't have credit cards and I think this discriminates against the poor, and we are always looking out for the poor here, for one thing, I never told you that before. But I can't find one single place in my area where they want the credit card. The people with the cards, as I have already told you, don't want it, and certainly people that don't have them don't want it, and the only place I can find any support for the credit cards is in the hall of the House or within the department. It is certainly not with the people, and I vote for what my people want; that is why I am here. That is why I will probably have been here consistently. I hope you will see fit to do the same thing.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it was fair to call Representative Bost inconsistent in the speech that he made this morning. He said that this bill is going to increase sales and consumption 10 percent of alcohol, of booze; therefore, he doesn't want it because he wants to protect

those people that are killing themselves with booze. I don't think it is inconsistent for him to want not to have this increase of 10 percent in sales and consumption, especially the consumption.

There is another misunderstanding or misconception with this bill that seems to be floating around and I think it just happened by accident, but a lot of people are saying this is the Governor's bill. Well, this is not a Governor's bill, it comes from the other body where they don't even bother to talk about it. That is a misunderstanding, and I would hope that if it ever does get to the Governor's desk, that he would be consistent with his drunk driving, etc., and vote against this thing. At any rate, maybe it won't get to his desk.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the arguments on this bill and I am wondering—I believe, if I am not mistaken, that the State of Maine is in the liquor business. They are selling it in Augusta, they are selling it in Eastport, they are selling it in Kittery.

Now, the amount of money that they would gain by this, I would say that they would have gained \$136.75 of mine had I been able to use a credit card at the Kittery store when I was coming home from Maryland after visiting my mother. We were riding down 95 and were heading toward Kittery and I said, this is a good time to buy some liquor because they have got a good sale down here. I said, I always have a tough time finding the Kittery store, but that is no problem. I turned around to my wife and said, how much money do you have. She said, I guess I've got about \$40 or something like that. I said, gee, I have only got \$20, to heck with it. Then I remembered that the store in New Hampshire allowed credit cards, so I just simply went in, bought my liquor there and spent \$136.75, which I would have spent in Kittery.

We have an agency store in Eastport and I can cash a check there if I want to, no problem, and I don't think it is going to make me drink anymore because I can use a credit card. It isn't going to affect me one iota.

I hope that you will recede and concur because I think Representative Kelleher is right on.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Twelve out of 13 members of the Business Legislation Committee saw this as a business practice bill and not a booze bill. It is our belief that credit cards are not in the hands of people who would abuse or misuse them on the whole. They are difficult to get and difficult to keep.

As the Representative from Eastport has just said, a lot of the increase will be from money that is spent now out of state by our own people and by people traveling across our borders.

As far as where the Governor stands, I believe that he is in favor of this bill. I have been told by his people that he does feel that this is a good practice because if we have to keep, in his mind, our state control over liquor because, as you know, he wishes to get rid of state stores, then he believes, I think, and I would agree with him, that these stores should be run in modern business practice. However, he might be better served in trying to get rid of these stores if he tried to keep them prehistoric, as failure of this bill would do. I do believe that we are going to keep control of retail sales for some time and I do believe that if we are going to, then we should not keep them prehistoric but we should use good, sound business practice.

I hope that we will recede and concur this morning.

The SPEAKER: The Chair recognizes the

gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I have been here going on seven years, this is my seventh year here, and I don't think I have seen a bill that has been more heavily lobbied than this one.

I am sure the liquor industry is not interested in the people; they are interested in selling more liquor so they can make more money. As I have said manytimes, they aren't interested in us or what it does to society or whatever. I am sure the banks and credit card companies are not interested in the people; they are interested in this great big account they are going to get if this bill should pass.

Everybody admits that the bill will increase consumption of liquor. Everybody agrees, I am sure, that we have a problem with liquor and we can't roll back the clock and do away with some of the things we already have, but let's not make the situation any worse.

I feel that I am consistent, I feel that the people who are talking on this side of the question are consistent. We are interested in the problems created by alcohol, and this is one way that perhaps we can help prevent some of those problems.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: We have embarked on an excellent program in this legislature on help for the alcoholic program in Maine. Our driver drinking law is one of the toughest in the nation, and we have programs to help alcoholism. This bill is inconsistent with that problem.

I hope you will defeat this bill today.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Men and Women of the House: Representative Crowley mentioned that the Governor was not supporting this bill. I just wanted to read this, the Governor does support this bill because he believes that as long as the state is involved in the business of alcoholic beverages, the state should operate in a business-like manner. The use of credit cards is just one way in which Maine can bolster its competitive position with New Hampshire. Increase in sales expected from the use of credit cards will predominately be from out of state visitors to Maine and will generate new revenues estimated to be in excess of \$2 million annually. The Governor does not believe that this legislation will increase the consumption of alcohol in Maine but rather will provide an optional method for paying for alcohol already being purchased in Maine by Maine people. The real advantage will come from the improved competitive position we will have in relation to New Hampshire, so I urge you to support this bill.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that I am going to be inconsistent today because I have voted for this bill every time it has come up, but a week or so ago I went to New Hampshire and I went into a liquor store and I said, "Can I use my credit card?" They said, "No, you can't use your credit card here." I said, "why not?" He said, "And you can't cash a check." I said, "I thought you used credit cards here in New Hampshire." "Oh we do in a few stores but let me tell you the problem that we are having with credit cards—the problem is that we have the old fashioned registers, we have to verify every card that comes in, the state doesn't want to lose any money. We have long lines of people trying to get through the checkouts. Unless you have the new electronic computer checkouts, please don't use credit cards in the state of Maine." This was all new to me and I thought it was rather interesting.

I guess today I will vote against it.

The SPEAKER: The Chair recognizes the

gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: It is always a pleasure to follow my friend, the gentleman from Cumberland, in his remarks.

What the gentleman from Cumberland has alluded to is just another one of the problems that we face here in this state with the liquor stores that we have. When they were established in 1933, at the end of Prohibition, they were perhaps the most modern, up-to-date business stores we had in the state. Since then, we haven't done a single thing to update them. Some of the stores are still run on the put down the number, the clerk goes out back and gets the proper merchandise for you. That is one of the oldest practices around in this whole country. We are trying to bring up—we want to keep the stores, those of us who are in favor of credit cards, we want to keep them state run, we want to keep those jobs for the 350 or so people but we want to modernize those stores so that our position is more competitive. That is one of the big issues that is being debated here this morning, it isn't consumption.

Does New Hampshire have more consumption than Maine? Do they have more problems than we do? I think not. We are trying to get money that is being lost. We want our stores run in 1983 conditions, not in 1933. Nobody puts any money into those stores, we just take out money—we take out. This is a time when we are going to be able to put some money in. We are going to show that these stores are bringing in good money for the state of Maine and we ought to bring them up to good, sound business practices for 1983. I think that is a solid reason for voting for this bill.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to concur with what the good fellow at the end of the aisle here indicated earlier, Representative Kelleher, and I would like to follow along with what the gentleman from Augusta just said.

I also would like to say to Mr. Dillenback from Cumberland that probably the state of New Hampshire did one of the best lobbying jobs on him that we have ever seen. I could see why they wouldn't want the state of Maine to have credit cards in their liquor stores, so I would just take that very light heartedly.

I just think that it is important that we give a business that is controlled by the state of Maine 100 percent the tools to operate with to modernize their operation to make it more competitive with other states in New England.

I don't look at this bill as a consumption bill, a bill that is going to put more drivers on the highways operating under the influence. I look at it as a good, pure, simple, common sense business bill for the state of Maine.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I would like to pose a question through the Chair. My question is, two people have gotten up and said this is a Governor's bill and I would like to ask these people if they have anything in writing, anything proof positive that this is a Governor's bill, one that he supports?

The SPEAKER: The Chair would advise members of the House that the matter as to who the sponsor or cosponsor or who supports it outside this body is unimportant. The pending question is on the legislation within our prerogative, and that capacity is with us to pass it or reject it. It does not matter whether or not it is sponsored or cosponsored or opposed by the Governor.

The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I worry about the passage of this bill because I think I see down the road perhaps the doing away with state li-

quor stores. Then the credit card can be used on the way home. Then after this person gets three quarters bombed before supper, which he probably will use for his supper, he will jump back into the car and go down and get another one. On the way back he is going to be more of a liability on the highway because I am sure before he takes off from that liquor store or from that package store or wherever he is going, that he is going to take a couple of more shooters and he is going to be much more of a menace on the highway. That is my concern.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As you may have noticed, as I have noticed, when you are driving along side of the road, you see a gas station and it says four cents off if you pay cash—what does that mean? That means that every place that uses credit cards charges 3 percent more, so the liquor stores are going to go up 3 percent, and who is going to pay for it? Each and every one of you, each of your constituents.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Crowley just mentioned that he would like proof of the letter that I had mentioned—well, the letter is written by Richard Davis, who naturally represents the Governor, and I wanted you to know that he is speaking for the Governor. I hope that answers your question.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to follow my good friends Representative Jackson, Representative Kelleher and Representative Paradis, they have all stated excellent reasons why we should allow this bill to become law. I would like to point out another reason to you. You may recall, when we passed the Part I Budget, there was only about \$800,000 left in the till. There are millions and millions of dollars worth of bills flying through these chambers, and if any of you expect to see these bills become law, we are going to need some revenues. This particular bill, discounting what the gentleman from Madawaska has stated, the cost in the fiscal note is \$140,000 and you subtract that from the total estimated revenues, it is \$4 million for the biennium.

I would urge you to allow this bill to become law. It is not only a good business approach, it is a good revenue-producing measure for the state, and we need it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: Strangely enough, you got me up on my feet making a comment you know that it doesn't make any difference whether the Governor would be for or against this bill. My reason for getting up this morning is one that I have been meaning to do for at least two weeks. I got on the phone about three weeks ago, called a very dear friend of mine from my own county and talked to him about a bill—you know, if you do it this way, I am very strongly tempted to go along with you on some bill, I think that is what I said. I might have said it differently, I don't know. I have a habit of keeping my word, and the reason I am on my feet on this bill here is because I went to the sponsor of this bill and he got me quickly to go along with him. I asked him later on to release me from my commitment, he refused, and on that level, I am going to keep my commitment.

As far as I am concerned, I don't have any credit cards. I take an occasional pop once in a while but I am certainly no menace on the highway, I don't even drive.

I hope one thing, if nothing else, Mr. Speaker, I hope we finally vote on this bill and get rid of it once and for all one way or another.

The SPEAKER: A roll call has been re-

quested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I request permission to pair my vote with the gentleman from Mars Hill, Mr. Smith. If Mr. Smith were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I request permission to pair my vote with the gentleman from Orono, Mr. Bott. If Mr. Bott were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, I request permission to pair my vote with the gentleman from Waldoboro, Mr. Curtis. If Mr. Curtis were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Joyce. If Mr. Joyce were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Andrews, Baker, Beaulieu, Brannigan, Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Crouse, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jackson, Jalbert, Joseph, Kane, Kelleher, Ketover, Kilcoyne, Lehoux, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, McColister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, P.; Roberts, Roderick, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose.

NAY—Ainsworth, Allen, Anderson, Armstrong, Bell, Bonney, Bost, Brodeur, Brown, A.K.; Brown, D.N.; Carrier, Clark, Conners, Cooper, Cox, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Jacques, Kelly, Kiesman, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Richard, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Thompson, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Conary, Cote, Gauvreau, Higgins, H.C.; Mahany, The Speaker.

PAIRED—Benoit-Joyce, Bott-Wentworth, Curtis-Ingraham, Lewis-Smith, C.W.

Yes, 64; No, 71; Absent, 10; Paired, 4; Vacant, 2.

The SPEAKER: Sixty four having voted in the affirmative and seventy one in the negative, with ten being absent, four paired and two vacant, the motion does not prevail.

Thereupon, on motion of Mr. Bost of Orono,



the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, having voted on the prevailing side, now moves that we reconsider our action whereby the House voted to adhere.

The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I move that this be tabled one legislative day pending reconsideration.

Mr. Brodeur of Auburn requested a division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Harrison, Mr. Jackson, that this item be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Mitchell of Freeport requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentlemen from Harrison, Mr. Jackson, that the bill be tabled for one legislative day pending reconsideration. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Andrews, Baker, Beaulieu, Brannigan, Brown, D.N.; Callahan, Carroll, G.A.; Carter, Cashman, Chonko, Conners, Connolly, Cooper, Crouse, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Ingraham, Jackson, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lewis, MacEachern, Macomber, Manning, Martin, H.C.; Master-ton, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Roderick, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Webster, The Speaker.

NAY—Ainsworth, Allen, Anderson, Armstrong, Bell, Benoit, Bonney, Bost, Brodeur, Brown, A.K.; Brown, K.L.; Cahill, Carrier, Carroll, D.P.; Clark, Cox, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Jacques, Kiesman, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Ridley, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Thompson, Walker, Weymouth, Willey, Zirnkilton.

ABSENT—Bott, Conary, Cote, Curtis, Gauvreau, Higgins, H.C.; Joyce, Mahany, Smith, C.W.; Wentworth.

Yes, 70; No, 69; Absent, 10; Vacant, 2.

The SPEAKER: Seventy having voted in the affirmative and sixty nine in the negative, with ten being absent and two vacant, the motion does prevail.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### Public Utilities

Bill "An Act to Increase the Annual Public

Utilities Commission Regulatory Fund Assessment to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985" (Emergency) (H. P. 1151) (Presented by Representative Vose of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Provide for the 1983 Amendments to the Maine Housing Authorities Act" (H. P. 1152) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Clark of Millinocket, Paradis of Augusta and Senator Kany of Kennebec) (Submitted by the Maine State Housing Authority pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Patrick McGowan of Pittsfield be excused April 27, 28 and 29 for Legislative Business.

#### House Reports of Committees Unanimous Ought Not to Pass

Representative Moholland from the Committee on Transportation on Bill "An Act Relating to the Frequency of Issuance and Fee for Auto Inspection Stickers" (H. P. 364) (L. D. 422) reporting "Ought Not to Pass".

Representative Macomber from the Committee on Transportation on Bill "An Act to Require Operators of Motor Vehicles to Turn on Headlights and Taillights During Daylight in Inclement Weather" (H. P. 498) (L. D. 595) reporting "Ought Not to Pass".

Representative Moholland from the Committee on Transportation on Bill "An Act Concerning Bicycle Regulations" (H. P. 642) (L. D. 793) reporting "Ought Not to Pass".

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Unanimous Leave to Withdraw

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Provide an Income Tax Credit for Oil and Gas Furnace Automatic Vent Dampers" (H. P. 207) (L. D. 251) reporting "Leave to Withdraw".

Representative Nadeau from the Committee on Transportation on Bill "An Act Concerning the Use of Safety Belts in School Buses" (H. P. 499) (L. D. 596) reporting "Leave to Withdraw".

Representative Cahill from the Committee on Election Laws on Bill "An Act Relating to Issuance of Absentee Ballots by Municipal Clerks" (H. P. 1078) (L. D. 1424) reporting "Leave to Withdraw".

Representative Handy from the Committee on Election Laws on Bill "An Act to Change the Date of the Primary Election to the First Tuesday after Labor Day" (H. P. 9) (L. D. 5)

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Provide for the Sale of Life Insurance by Financial Institutions" (H. P. 722) (L. D. 931) reporting "Leave to Withdraw".

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Ought to Pass in New Draft/New Title

Representative Locke from the Joint Select Committee on Jobs Training on Bill "An Act to Provide Authority to the Department of Labor to Receive and Expend Federal Funds Pursuant to the Federal Job Training Partnership Act" (Emergency) (H. P. 958) (L. D. 1239) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Governing State Participation in the Federal Job Training Partnership

Act" (Emergency) (H. P. 1148) (L. D. 1512)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Improve voter Registration Access for Potential Absentee Voters" (H. P. 114) (L. D. 121)

Report was signed by the following members:

Senators:

PEARSON of Penobscot  
USHER of Cumberland

— of the Senate.

Representatives:

NADEAU of Lewiston  
ROBERTS of Buxton  
HANDY of Lewiston  
PARADIS of Augusta  
MICHAUD of East Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Senator:

REDMOND of Somerset

— of the Senate.

Representatives:

STEVENSON of Unity  
MARTIN of Brunswick  
CAHILL of Woolwich  
SHERBURNE of Dexter  
WENTWORTH of Wells

— of the House.

Reports were read.

On motion of Mr. Nadeau of Lewiston, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S. P. 146) (L. D. 437) Bill "An Act to Establish a Chief Justice of the Superior Court"—Committee on Judiciary reporting "Ought to Pass".

(S. P. 343) (L. D. 1017) Bill "An Act Relating to the Investment of Funds in Litigation"—Committee on Judiciary reporting "Ought to Pass".

(S. P. 358) (L. D. 1079) Bill "An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes"—Committee on Labor reporting "Ought to Pass".

(S. P. 429) (L. D. 1298) RESOLVE, Authorizing the Department of Marine Resources to Sell the Research Vessel Challenge and to Convert the Fishing Vessel Jubilee—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-65).

(H. P. 993) (L. D. 1303) Bill "An Act to Amend the Maine Coastal Protection Fund"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-164).

(H. P. 790) (L. D. 1082) Bill "An Act to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions" (Emergency)—Committee on Business Legislation reporting "Ought to Pass".

(H. P. 856) (L. D. 1106) Bill "An Act to Amend Special Education Statutes Pertaining to the Filing of Allowable Expenditures by Special Purpose Schools, Agencies or Institutions" (Emergency)—Committee on Education reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of April 27, under the listing of Second

Day.

### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S. P. 180) (L. D. 547) RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution. (C. "A" S-64)

(S. P. 411) (L. D. 1264) Bill "An Act Authorizing the Public Utilities Commission to Expend Revenues Collected as Filing Fees or Expense Reimbursements" (C. "A" S-63)

(H. P. 867) (L. D. 1115) Bill "An Act to Amend the Probate Code"

(H. P. 908) (L. D. 1187) Bill "An Act Relating to Clam Regulation in the Unorganized Territories"

(H. P. 1016) (L. D. 1341) RESOLVE, Authorizing Governor to Convey an Interest in Land and Buildings on the Bangor Mental Health Institute Campus.

No objections having been noted, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

(H. P. 1053) (L. D. 1397) Bill "An Act to Make Corrections in the Maine State Housing Authorities Law" (C. "A" H-163)

On the objection of Mrs. Ketover of Portland, the above item was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-163) was read by the Clerk.

Mrs. Ketover of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-165) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

(H. P. 984) (L. D. 1289) Bill "An Act Concerning Late Filing Under the Referendum Campaign Reporting Law"

No objections having been noted, the House Paper was passed to be engrossed and sent up for concurrence.

### Second Reader Tabled and Assigned

Bill "An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries" (H. P. 1142) (L. D. 1507)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

### Amended Bill

Bill "An Act Concerning the Distribution of Table Wines" (H. P. 833) (L. D. 1070) (C. "A" H-159)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Mr. Nadeau of Lewiston was granted unanimous consent to address the House.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: On Page 7 in reference to Item 6-6, House Paper 1078, L. D. 1424, Bill "An Act Relating to Issuance of Absentee Ballots by Municipal Clerks"—this bill was inadvertently reported "Leave to Withdraw". It was a clerical error and it should be, for the record, "Ought Not to Pass."

### (Off Record Remarks)

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

On motion of Mrs. Martin of Van Buren, Recessed until four-thirty in the afternoon.

### After Recess 4:30 p.m.

The House was called to order by the Speaker.

### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

An Act to Protect Unemployed Workers from the Loss of Unemployment Benefits Without the Opportunity for a Fair Hearing. (H. P. 1089) (L. D. 1416)

Tabled—April 22, 1983 by Representative Beaulieu of Portland.

Pending—Passage to be Engrossed.

On motion of Mrs. Beaulieu of Portland, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits" (H. P. 1123) (L. D. 1467)

—In House, Passed to be Engrossed on April 19, 1983.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-69) in non-concurrence.

Tabled—April 25, 1983 by Representative Beaulieu of Portland.

Pending—Motion of same gentlewoman to Recede and Concur.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453)

—In House, referred to the Committee on Fisheries and Wildlife in non-concurrence on April 19, 1983.

—In Senate, that Body having Adhered to its previous action whereby the Bill was referred to the Committee on Energy and Natural Resources.

Tabled—April 25, 1983 by Representative MacEachern of Lincoln.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act to Regulate Commercial Whitewater Rafting" (Emergency) (S. P. 479) (L. D. 1454)

—In House, referred to the Committee on Fisheries and Wildlife in non-concurrence on April 19, 1983.

—In Senate, that Body having Adhered to its previous action whereby the Bill was referred to the Committee on Energy and Natural Resources.

Tabled—April 25, 1983 by Representative MacEachern of Lincoln.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

The Chair laid before the House the fifth tabled and today assigned matter:

House Divided Report—Majority (9) "Ought Not to Pass"—Minority (3) "Ought to Pass" as

amended by Committee Amendment "A" (H-162)—Committee on Marine Resources on Bill "An Act to Revise the Composition of the Marine Resources Advisory Council" (H. P. 1038) (L. D. 1363)

Tabled—April 25, 1983 by Representative Crowley of Stockton Springs.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Stockton Springs, Mr. Crowley, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I tabled this yesterday is I wanted to get to my committee to let them know that I had changed my position on this bill because the new amendment would revise the composition of the Marine Resources Advisory Council by adding one recreational member. The first bill we had had three recreational members and we didn't believe that was a good idea, but now I can buy this one with the change and having one recreational member on the Marine Resources Advisory Council, and I believe other members of the committee and the sponsor of the bill will speak to it.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to accept the minority "ought to pass" position. We went over this quite well in committee, and the logistics of it are that currently it is made up of nine members who are either harvesters or producers of marine products. All these individuals are licensed, they pay licensing fees in varying amounts from \$10 and in some cases upwards of hundreds of dollars, depending on what kind of licensing they have. The state is well aware of how many of them there are or what their interests are and how they function.

The recreational fishermen, on the other hand, are not licensed, they pay no fees, there are no firm figures as to the hours spent on the water, their utilization of the resource.

When it was brought up to one of the proponents of this bill that it would be acceptable to have recreational members on the council if they did in fact buy licenses so we could have some kind of figures, that particular individual went from welter head full to all back full without bothering to stop for neutral.

As it sits right now, with giving one member to the recreational fishermen, you would have 11 percent, approximately 11 percent of the representation on the committee would be given to recreational fishermen. If we look at the hours and utilization of the resource without any kind of confirming data as to what percentage they do put into the resource and without them admitting the responsibility that all the commercial individuals do of buying licenses and pay for licenses, I can't support this position and accordingly would urge you to oppose the "ought to pass" minority report.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority "ought to pass" report. As a matter of fact, I am a co-sponsor of this bill.

A few years ago this Legislature chose to put a consumer member on every licensing board in the state. I was fortunate enough to be the first consumer member that was put on the electrician's examining board, also fortunate enough to chair that board after three years. When I was first on there, I was a little nervous about the situation, since the only thing I knew about electricity is you don't hold the black



and the white wire at the same time. But I found that a consumer member on a board like that did some good. I felt I had some input on that board; although there were six electricians on that board, I thought I had a lot of good to say about it.

When we are talking about the Marine Resources Advisory Council, you want to realize that there are a lot of people that enjoy fishing in our saltwaters. There are a lot of tourists that come in and enjoy it and we have discussed bills such as the regulations of the striped bass that has passed through here and other fish that are in the ocean, and I think the sportsmen have a great deal to say about what should go on in the ocean.

I hope that you will support the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, in response to my good friend from Eastport, Representative Vose, if the recreational fishermen were in fact licensed, I would agree with you one hundred percent. The fact that they aren't licensed and don't put in to meet their financial responsibility and their accountability through the licenses is the prime reason that I oppose this. If they were licensed, I would support it.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: I hope you will defeat the motion before us and accept the majority report.

The Marine Resources Advisory Council, as has been said, is a nine member board which advises the Marine Resources Department on matters regarding commercial fisheries, and the commercial fisheries industry in Maine is a \$150 million a year business which provides the livelihoods for thousands of Maine families. Recreational fishing is a very small part of the Maine fishing industry. These fishermen do not depend for their livelihood on the decisions that are made by the Department of Marine Resources, and I don't think it is equitable to give recreational fishermen a vote on a board which deals with the commercial fishery matters at the expense of someone who earns his livelihood in the industry.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, could we have the committee report read, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, I sponsored it, and I think it is a bill whose time is long overdue.

The Marine Fisheries Advisory Council became a matter of law sometime during the 1930's. The purpose for its existence at the time I think was very clear. It served in an advisory capacity for the commercial fisheries. However, before I start, I think I would like to state that we should all remember that we are dealing with a resource that belongs to all the citizens of the State of Maine. I don't believe that any particular group or any section of the state has any greater claim to this resource than any other section or group. I hope that we can all agree on this premise.

As I stated in my opening remarks, the Advisory Council was created in the 1930's; however, I believe that I can say that when the council was first created, the commercial activities towards this resource was probably the only game in town. I suspect that many of our citizens were busy and completely involved in earning a living by the harvesting of fish through commercial fishery activities. They probably had very little time for recreational activities. That is probably why the composition of the council calls for nine appointees engaged in commercial activities.

In the past years, however, there has been a tremendous surge in recreational fisheries. I have not been able to get firm statistics or statistics that would show a clear picture of the monies generated or the economic spin-off from these activities; however, I have heard the statement made several times that the economic value of the recreational fishery industry is two to three times more than the commercial fisheries. As an example, take the tourist industry in the State of Maine, it is a \$600 million industry a year. You can take a different percentage of that total figure, and I have heard the figure mentioned of 25 percent, it could be higher, that is a direct result of recreational fisheries.

You have heard the good gentleman, Representative Scarpino, allude to the fact that the recreational fishermen of marine fisheries should be licensed. Let me remind the good gentleman that a license is sold, usually, to take fish, and when you fish commercially, you are not speaking of a few fish, you are speaking of tons.

The commercial fisherman is licensed to harvest fish by the ton. That is not the same thing as a recreational fisherman. I don't believe there is any state in this country at the present time that licenses a recreational fisherman, but the industry is there. It has a tremendous economic impact in every state that is fortunate enough to have such a resource at its disposal.

You have also heard the statement made that recreational people do not contribute. Those of you who receive or are fortunate enough to take a look at the Morning Sentinel once in a while, there was an article in it this week that stated that the fisheries and wildlife fund collected \$1.5 billion. This is collected in the form of excise taxes on recreational fisheries equipment, boating and what have you. There is ample evidence that the recreational fishermen contribute tremendously to the economy of the State of Maine.

Here is another example that you can consider—these figures deal with the northeast region, they come from the Department of Marine Resources and I received them last month. The memo is dated March 21, 1983, and these figures are for 1978, those are the most recent ones, but they have been updated to approximately reflect 1983 dollar values. Marine recreational fisheries total sales, \$305 million; value added \$114 million; wages and salaries, \$56 million; capital expenditures, \$8 million, which gives you a pretty good idea of how much of an economic impact recreational fisheries has in any state that is fortunate enough to have this type of a resource available.

The bill as it is now drawn calls for one person to represent the recreational industries of the state, one person on a committee of ten people. I think this type of representation is long overdue and I would urge you to support the minority "ought to pass" report. Mr. Speaker, when the vote is taken, I request a division.

Mr. Scarpino of St. George was granted permission to speak a third time.

Mr. SCARPINO: Mr. Speaker and Members of the House: Just a few minor points. First, when Representative Carter was referring to the recreational industry providing approximately twice the income of the commercial industry, if my memory serves me correctly, when I questioned him on that same point in the committee, the individual who made that statement to him was from the State of Pennsylvania. If you will look at Pennsylvania and the size of their seacoast and the size of their inland fisheries, their fresh water fishery, it might start to give you an idea of how those figures come about.

The second thing is, we already do license the fresh water recreational fishermen. There is already a means of addressing this through the fresh water recreational fishermen, and the northeast region, I am not sure, but I am

assuming that he is referring to the National Marine Fisheries Service, not the Department of Marine Resources, when he called it the northeast region, and that region encompasses five states. The simple fact of it is, the further south you go, when you start getting into Massachusetts New York and Connecticut, the percentage of commercial fishermen to recreational fishermen changes; there is a much higher percentage of recreational fishing in that area than there is commercial as compared to the State of Maine.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Stockton Springs, Mr. Crowley, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Brodeur, Brown, A.K.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Diamond, Erwin, Foster, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Salisbury, Smith, C.B.; Soucy, Stevens, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose, Walker, Willey, Zirkilton.

NAY—Anderson, Bell, Bott, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Conary, Connors, Davis, Dexter, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Ingraham, Lebowitz, Lewis, Livesay, MacBride, Masterman, Matthews, K.L.; Maybury, McPherson, Michael, Mitchell, J.; Murphy, Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Thompson, Webster, Wentworth, Weymouth.

ABSENT—Benoit, Brannigan, Brown, K.L.; Carrier, Curtis, Dudley, Gauvreau, Hayden, Hobbins, Holloway, Jalbert, Ketover, Mahany, Masterton, Soule, The Speaker.

Yes, 87; No, 46; Absent, 16; Vacant, 2.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-six in the negative, with sixteen being absent and two vacant, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-162) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the sixth tabled and today assigned matter:

An Act to Amend the Probate Fees. (H. P. 714) (L. D. 905)

Tabled—April 25, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Friday, April 29.

The Chair laid before the House the seventh tabled and today assigned matter:

House Report—"Ought to Pass" in New Draft (H. P. 1146) (L. D. 1509) Committee on Election Laws on Bill "An Act Relating to Boards of

Voter Registration" (H. P. 186) (L. D. 228)

Tabled—April 25, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading tomorrow.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 504)  
JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO SUPPORT THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983

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

WHEREAS, many residents of the State of Maine are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS, many residents of the State of Maine are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS, House Resolution 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, House Resolution 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an evenhanded approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the members of Congress representing the State of Maine should actively support and vote favorably on House Resolution 1646, the Railroad Retirement Solvency Act of 1983; and be it further

RESOLVED: That suitable copies of this resolution be transmitted immediately to the members of the Maine Congressional Delegation.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Bill "An Act to Provide for the Return and Proper Disposal of Pesticide Containers" (S. P. 501) (L. D. 1513)

Came from the Senate referred to the Committee on Agriculture and ordered printed.

In the House, the Bill was referred to the Committee on Agriculture in concurrence.

#### Unanimous Ought Not to Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to

Increase Benefits under the Elderly Householders Tax and Rent Refund Act" (S. P. 379) (L. D. 1164)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Restrict Noise Levels on Motorcycles" (S. P. 452) (L. D. 1373)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

#### Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to the Tree Growth Tax Law" (S. P. 257) (L. D. 802)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Amend the Farm and Open Space Tax Law Recapture Penalty" (S. P. 193) (L. D. 616)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Increase the Income and Benefit Limitations Under the Elderly Householders Tax and Rent Refund Act" (S. P. 130) (L. D. 317)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Amend the Tree Growth Tax Law" (S. P. 20) (L. D. 21)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

#### Ought to Pass in New Draft/New Title

Report of the Committee on Transportation on RESOLVE, to Designate a Certain Portion of Route 1 to Old Orchard Beach Town Line as "Centennial Way" to Commemorate the Year of the 100th Anniversary of the Town of Old Orchard Beach. (Emergency) (S. P. 214) (L. D. 635) reporting "Ought to Pass" in New Draft under New Title, RESOLVE, to Designate the Saco Spur from Route 1 to its Intersection with Ocean Park Road as "Centennial Way" to Commemorate the Year of the 100th Anniversary of the Town of Old Orchard Beach. (Emergency) (S. P. 500) (L. D. 1506)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes" (H. P. 395) (L. D. 478) on which the House insisted on its former action whereby the Bill was passed to be engrossed in the House on April 25, 1983.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-67) in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

#### Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Amend the Foreclosure Laws" (H. P. 1153) (Presented by Representative Soule of Westport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act Relating to the Taxation of Certain Watercraft" (H. P. 1154) (Presented by Representative Allen of Washington) (Co-sponsors: Representatives Ingraham of Houlton, Higgins of Portland and Senator Wood of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### House Reports of Committees Unanimous Ought Not to Pass

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act Concerned With the Thermal Treatment of Hazardous Waste" (H. P. 608) (L. D. 756) reporting "Ought Not to Pass".

Representative Wentworth from the Committee on Local and County Government on Bill "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers" (H. P. 343) (L. D. 402) reporting "Ought Not to Pass".

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Unanimous Leave to Withdraw

Representative Anderson from the Committee on Agriculture on Bill "An Act to Change the Method of Taxing Potatoes" (H. P. 767) (L. D. 997) reporting "Leave to Withdraw".

Representative Anderson from the Committee on Agriculture on Bill "An Act Concerning Loose Wood Measurement" (H. P. 600) (L. D. 748) reporting "Leave to Withdraw".

Representative Michaud from the Committee on Election Laws on Bill "An Act to Provide for Caucus and Convention Alternative for Making Nominations for Election" (H. P. 922) (L. D. 1201) reporting "Leave to Withdraw".

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Consent Calendar

##### First Day

(S. P. 131) (L. D. 318) Bill "An Act to Make the Single Axle Limit Uniform"—Committee on Transportation reporting "Ought to Pass".

(S. P. 163) (L. D. 451) Bill "An Act Amending the Display of Registration Plates for Truck Tractors"—Committee on Transportation reporting "Ought to Pass".

(S. P. 428) (L. D. 1297) Bill "An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-71).

(S. P. 24) (L. D. 25) Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-72).

(H. P. 1079) (L. D. 1425) Bill "An Act to Authorize Easements for the Purpose of Sewage Disposal and to Eliminate Undersized Rights-of-way on Certain Leased Lots Owned by the Town of Bridgton"—Committee on Energy and Natural Resources reporting "Ought to Pass".

(H. P. 1008) (L. D. 1333) RESOLVE, Authorizing the Exchange of Certain Public Lands—Committee on Energy and Natural Resources reporting "Ought to Pass".

(H. P. 168) (L. D. 199) Bill "An Act to Require Persons being Licensed to Hunt for the First Time to have Completed a Gun Safety Course"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166).

(H. P. 995) (L. D. 1305) Bill "An Act to Prohibit Smelting on Morrill Pond in Somerset County"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167).

No objections having been noted, the above items were ordered to appear on the Consent Calendar of April 27 under the listing of Second Day.

The following paper appearing on Supple-

ment No. 1 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 505)

ORDERED, the House concurring, that a Joint Select Committee on Commercial Whitewater Rafting be established pursuant to Joint Rule 16.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453) which was tabled and later today assigned pending further consideration. (In House, referred to the Committee on Fisheries and Wildlife—In Senate, adhered to its action whereby the Bill was referred to the Committee on Energy and Natural Resources)

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Regulate Commercial Whitewater Rafting" (Emergency) (S. P. 479) (L. D. 1454) which was tabled and later today assigned pending further consideration. (In House, referred to the Committee on Fisheries and Wildlife—In Senate, adhered to its action whereby the Bill was referred to the Committee on Energy and Natural Resources)

Thereupon, the House voted to recede and concur.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 507)

ORDERED, the House concurring, that 2 bills, "AN ACT to Revise Laws Concerning Commercial Whitewater Rafting," S. P. 478, L. D. 1453 and "AN ACT to Regulate Commercial Whitewater Rafting," S. P. 479, L. D. 1454 be referred to the Joint Select Committee on Whitewater Rafting, as established by Joint Order of the Legislature S. P. 505.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Pursuant to the passage of Senate Joint Order (S. P. 505) creating a Joint Select Committee on Commercial Whitewater Rafting, the Chair appointed the following members on the part of the House:

Representatives:

McGOWAN of Pittsfield, Chair  
JACQUES of Waterville  
CLARK of Millinocket  
MICHAUD of East Millinocket  
MURRAY of Bangor  
KIESMAN of Fryeburg  
RODERICK of Oxford

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

#### Divided Reports

Eleven Members of the Committee on Transportation on Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 719) (L. D. 910) report in Report "A" that the same "Ought to Pass" in New Draft (H. P. 1149) (L. D. 1514)

Report was signed by the following members:

Senators:

DANTON of York  
DIAMOND of Cumberland  
EMERSON of Penobscot

— of the Senate.

Representatives:

MOHOLLAND of Princeton  
McPHERSON of Eliot

THERIAULT of Fort Kent  
MACOMBER of South Portland  
REEVES of Pittston  
NADEAU of Lewiston  
CALLAHAN of Mechanic Falls  
CAHILL of Woolwich

— of the House.

One Member of the same Committee on the same Bill reports in Report "B" that the same "Ought Not to Pass"

Report was signed by the following member: Representative:

STROUT of Corinth

— of the House.

One member of the same Committee on the same Bill reports in Report "C" that the same "Ought to Pass" in New Draft under New Title Bill "An Act Requiring the Use of Child Restraint Seats and the State Police to Loan Restraint Seats to Persons in Violation" (H. P. 1150) (L. D. 1515)

Report was signed by the following member: Representative:

CARROLL of Limerick

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I now move we accept Report A.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that Report A, "Ought to Pass" in New Draft, be accepted.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it very clear today that I am in no way opposed to using child safety seats. I am a parent, the father of six children, and my wife and I believe strongly, and always have used child safety seats. However, this bill in new draft requires car seats to be used when in some cases, which we believe strongly, would not be in the most safe way of protecting the children of this state.

I believe that parents should have the option of knowing when and when not to use a child safety seat.

Two years ago, we passed legislation in this body encouraging the use of safety seats. I believe it is working as organizations, hospitals and groups are making the seats available on a rental or purchase basis. I believe that is the procedure that we should use, and I would ask the members today to look at the new draft that came out this morning. I specifically would like to bring to your attention Section 2 of the bill. I want to read to you, in case many of you members have not read it, what it says concerning a non-parent or non-guardian.

"When such a child safety seat is not available," when a safety seat is not available for that non-parent, "the operator shall have the child properly secured in a seat belt."

At the hearing, doctors testified on a bill sponsored by Representative MacBride which would require seat belts after one year of age. Doctors opposed using seat belts on children zero to two years of age. This is one reason that I oppose this section.

When you do not have a child safety seat available, you are asking non-parents and non-guardians to have that child locked in with a seat belt. I don't think that that is in the best interest of the child's health.

I go on to read further in that paragraph and it says "except when all seating positions equipped with seat belts are occupied." They are going to exempt them if all of the seat belts are occupied. Let me explain to you about an automobile that holds six adults, all the seat belts are occupied, what are you going to do with that child? You are going to hold it in your lap.

Members, we are trying to pass a bill here today that requires child safety seats on the one hand; on the other hand, you are going to

allow them to sit in their parent's lap. Then you go on to read further and it says—"no exceptions may apply if the child is less than one year of age." Now, if they are less than one year of age, zero to one year, you are going to require that baby to be in a seat belt. How are you going to do it if all the seat belts are used? I don't understand what they are trying to do here.

Then in Section 3 of the bill, it goes on to give exceptions. It says: "The requirements in Subsections 1 and 2 shall not apply to any person over one year of age when the number of passengers exceeds the seating capacity of the vehicle. Who is going to determine the seating capacity of a vehicle? You have some vehicles out here that have five passengers, some six, some nine passengers. I know why this was put in, for the person with the large family like us, I guess. What I see happening is that an officer is going to stop families across this state, there is not going to be any available space and there is going to be exemptions out there that I feel I can't live with.

I want to go to one more section of this new draft and it is Section 6. If you read that, it tells how the court is going to waive any fine or penalty when a guardian or a parent, after the six months' trial period, and the first time you are picked up and you don't have a child safety seat in the vehicle, what the officer will tell you is that you are going to be summoned to court. The time between your summons to court and your court appearance, if you acquire a safety seat or you borrow one from a neighbor, then the court is going to throw this out.

I have another concern with this L.D., what are you going to do about handicapped children? I am going to relate to you a little experience of a boy that I had at 18 months of age—he was not handicapped but he had a body cast at 18 months—this would restrict parents from taking this child for his checkup or not allowing us to take this boy out for a Sunday afternoon ride.

I do feel that if you are going to pass legislation to require the child safety seats, that we ought to make it so that all parents or non-parents or guardians and non-guardians can stay within the law. I think what you are talking about here today is, you are putting a law on the books that is going to make people violate the law in order to transport their children or go for a family ride.

The SPEAKER: The Chair recognizes the gentleman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: I hope that you will support the Majority "Ought to Pass" Report on this bill. The purpose of this law is to prevent death and serious injury to small children in car crashes by requiring that infants and children under four be buckled into car safety seats. These federally approved safety seats are miraculously effective. Their use prevents 80 percent of the deaths and 90 percent of the serious injuries to little children in auto accidents.

The protection of children who can't decide for themselves is an important function of our law. When immunizations and vaccinations against deadly childhood diseases became available, we didn't hesitate to require by law that children be protected. Now car crashes have been established as the leading cause of death for children under four and these tragedies can be prevented by the use of safety seats.

The Transportation Committee has worked hard on this new draft of the law which is an effort to improve on our existing law which has not been effective, it hasn't decreased the injury and death rate.

The original bills that were presented to the committee have been considerably modified to respond to issues that were raised during the public hearing and to the concerns of members of the committee.

Representative MacBride presented a child safety seat bill which was very helpful to the

committee, and this new draft has been approved 11-1 because it approaches this very serious problem in a step-by-step reasonable way, phasing in the use of seats with flexibility and allowances for unusual circumstances. For example, when a large family or large carload of people are being transported and there are not enough spaces in the car for safety seats and other passengers, these situations are exempted because the purpose of this law is to help people protect their small children, not to cause hardships to families or to be punitive. Every effort is going to be made to give people a chance to get safety seats, and when they do so, all fines will be waived. A six month phase-in period is provided after the law goes into effect in which only warnings will be issued to people to let them know that the law now requires them to buckle up their small children.

Most of the accidents that kill or maim these small children occur in the day time on good roads, in good cars, with no alcohol involved. What might have just been a minor mishap becomes a tragedy when a child is turned into a projectile and hurled against the dashboard or at a window.

We have tried a voluntary public education law and it has not decreased the deaths and serious injuries. Requiring that they be buckled in will stop these deaths and injuries. Twenty-three states have now passed legislation similar to our proposal and passage of this law in Maine will complement our strong drunk driving law and help maintain our leadership in highway safety.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: Legislation that we debate sometimes does not offer us a really clear-cut choice; the issues are in a gray area. We can debate either pro or con, maybe yes, maybe no, but with this bill, if we stick to the bottom line, the issue is very clear cut. The essential issue, the bottom line, is the safety of children. You have heard and you will hear peripheral arguments that seem to muddy the issue. For instance, parents' rights—well, children, however, are not property, they are human beings. Government has the responsibility of protecting those who are not adequately protected and who cannot protect themselves.

Another argument that muddies the issue—it is a financial burden. This argument is not valid, however. There are many opportunities to rent safety seats at minimal cost, affordable to everyone. The cost of a safety seat is a fraction of the cost of a color TV or a month's worth of cigarettes or soda.

Another argument that we heard two years ago and passed a bill on—well, we just need to educate people more and parents will respond. However, this is not true; this has been tried, yet we still face some grim statistics. The statistics in 1982 that measure the effect of the voluntary restraint bill we passed in 1981 for death and injuries to small children and infants who were involved in car crashes and who were not protected in safety seats are as follows: Two deaths, 650 minor injuries, almost 300 serious injuries. The statistics show that 90 percent of the deaths and 80 percent of the injuries would have been prevented if these same children had been riding in safety seats.

Unfortunately, the voluntary restraint bill is not working. Based on spot checks of traffic during 1982, we see that only 10 percent of young children were riding in secured seats. This shows that there have been no increases in the percentage of children in car seats since the voluntary law was passed in 1981.

Another argument that we often hear that muddies the central issue of this bill is the following: The insulating argument that trage-

dies we read about in the paper just will not happen to us. This is a common statement made by victims who feel—"I never thought it would happen to me." We always feel protected and immune from the statistics. It is our instinctive sense of self-preservation. However, the physicians who care for the child victims of car accidents assure us that no family is free from the hazards of the road. Statistics do not discriminate.

I would like to read to you some statements that were made by neighbors of mine when I asked them about this bill and how they reacted to it. "What if my child is smashed against the dashboard and I survive? How do I relate to my child, to the rest of my children?" Another quote: "Holding my child while traveling is as ineffective as if I were a drunk driver." Another quote: "The young unrestrained child is distracting to the driver, it is like having a bee in the car with you." Another quote: "Sure, it is a bother to put my son in a toddler seat, but what would happen if we stopped fast or stopped on impact? My child has not way of bracing himself, it would be havoc." Another quote: "I see children belted in with their parents, the child becomes a buffer zone for the parent's safety." Another quote: "The child who is handicapped from a car injury becomes a terrible cost to the state." The cost of special education is very high. Most of us are parents and grandparents and I think we can relate very well to this last quote: "An accident to a child becomes an injury to the whole family, not only to the child. The effects are very far reaching." When a parent knows they could have protected their child but neglected to do so, how does one measure their grief and guilt?

So if we examine this bill on the essential issue, the bottom line, we will know that we are talking about the safety of children. It is a very clear-cut decision.

I urge you to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, I would like to pose a question through the Chair to anyone who would care to answer.

Initially when this bill was presented, it received quite a bit of publicity and I had a constituent come to me, not that he was against the bill, he just had a question. He apparently drives a Subaru and he has six rather young children and his question was—what if he and his wife are driving and they want to take all of their children with them, can he do it? That is my question.

The SPEAKER: The gentleman from Mt. Desert, Mr. Zirnkilton, has posed a question through the Chair to anyone who may care to respond if they so desire.

The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: Section 3 of this bill, Exemption and Limitation: Requirements of Subsection 1 and 2 shall not apply to any person over one year of age when the number of passengers exceeds the seating capacity of the vehicle. This exemption for large carloads was put into the new draft by the committee as a result of testimony at the hearing on exactly that point. We felt that we wanted to begin to phase in the use of car seats for people who could do it without hardship on their family life first, so we are not requiring those large carloads to use car seats except for infants under one year old.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, I would like to pose a question through the Chair. My concern is, how about the out-of-staters that come from the 26 states that don't have this law or somewhere in Canada who are just coming here? I understand there is a provision that if they buy a restraining seat within six months,

they are exempted, they don't have to pay the fine, but how do they prove they have that seat and how do we handle the out-of-stater?

The SPEAKER: The gentleman from Skowhegan, Mr. Walker, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Members of the House: First of all, the bill applies to Maine residents, for one thing, so it would not affect out-of-state travelers.

Secondly, just in general, I guess, to respond to the point of exemptions and all of that, what the committee attempted to do was design a bill that would address as many of those concerns as possible directly in the law so there would be no question, and I think we did that rather successfully. But I think the bottom line is that the aim of the state police in enforcing this law is not to collect fines or punish people who are trying to comply. Individual exceptions such as a very large three-year-old who is in a seat belt instead of a car seat will not be cited for a violation. This can be handled administratively with the police procedures manual so that there is some flexibility in the law. Law enforcement officials are not out there gunning for people, they are out there to protect them and uphold public safety, as we are attempting to do on the floor of this House today. There is some flexibility there.

There are provisions in the bill that attempt to make it easier for those people with large families. Incidentally, the situation presented by Representative Strout in terms of the six adults in the car and children on their laps, situations like that are not an every day occurrence, and I think if you are driving a car with a large number of passengers in it, I think you are a little more cautious to begin with for that reason alone—that you have more people that you are responsible for as you are driving a vehicle. There are obviously many, many situations that can occur, but I think the bill is broad enough and has enough built-in protection so that what it will do is what its intent is, and that is to assist us in encouraging people to protect the life and health of young children.

The SPEAKER: The Chair recognizes the gentleman from So. Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to read you a letter that was published in Muskegon Chronicle. It regards Public Act 117 that was passed in the state of Michigan in 1981. The letter says: "Dear Editor: I would like to tell your readers how mad I was when I was forced to go out and pay \$45 for an infant seat and to top it off, we couldn't fit everybody in my pickup truck with that big bulky thing. On April the 2nd, my wife was forced to go off the highway into a ditch to avoid a collision, 55 miles an hour to a dead stop. The back of the child's seat was facing the windshield, as I was told the law required. That seat broke off, the ashtray cracked the windshield, chipped the dashboard, our baby didn't have a scratch on her. I would like to thank God and whoever else is responsible for passing that 'stupid law'."

The SPEAKER: The Chair recognizes the gentleman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I would like to pose a question through the Chair. Could I have a definition of seating capacity? Is that the same as seat belt stations in the car?

The SPEAKER: The gentlewoman from Washington, Mrs. Allen, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Members of the House: Yes, it is identical as seat belts, as she said.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, I would like to pose a question through the Chair to Representative Reeves on her previous answer.

What did she mean by "We were addressing large families this way in the beginning." You left me with the impression that this was only the beginning of the legislation.

The SPEAKER: The gentleman from Canton, Mr. McCollister, has posed a question through the Chair to the gentlewoman from Pittston, Mrs. Reeves, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. REEVES: Mr. Speaker, Members of the House: I mean that this legislation is designed to help the people who can easily comply with putting their small children in seat belts to do so. We felt that the issue of large carloads and the large family was just too difficult to deal with and that we didn't want to deal with it in this legislation, and so we made the exemption for large carloads and large families. We don't have any plans for future legislation that is going to legislate how many people you have riding in your car.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to ask for a roll call and I would like to remind my good friend from Lewiston, Mr. Nadeau, that he says it is not an every day occurrence that you would have six people in a vehicle. I would remind him that with myself and my wife and our six children, it is an everyday occurrence.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Report "A", "Ought to Pass." Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I wish to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here and voting, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I wish to pair my vote with the gentlewoman from Edgecomb, Mrs. Holloway. If she were here and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, I wish to pair my vote with the gentleman from Durham, Mr. Hayden. If he were here, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the "Ought to Pass" in New Draft Report "A" be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Baker, Beaulieu, Bost, Bott, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Coper, Cote, Cox, Crouse, Crowley, Daggett, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadosky, Hall, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jacques, Joseph, Joyce, Kane, Kelly, Kiesman, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Pa-

radis, E.J.; Paradis, P.E.; Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Rolde, Rotondi, Scarpino, Seavey, Small, Stevens, Stevenson, Stover, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Wentworth, Weymouth, The Speaker.

NAY—Armstrong, Bell, Bonney, Brown, D.N.; Conners, Davis, Day, Handy, Jackson, Kilcoyne, Lewis, Masterman, Michaud, Parent, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Strout, Tammara, Webster, Willey, Zirkilton.

ABSENT—Benoit, Brannigan, Carrier, Conary, Connolly, Curtis, Dudley, Gauvreau, Jalbert, Kelleher, Ketover, Mahany, Masterton, Perkins, Soule.

PAIRED—Allen-Hobbins, Brown, K.L.-Holloway, Hayden-Locke.

Yes, 99; No, 29; Absent, 15; Paired, 6; Vacant, 2.

The SPEAKER: Ninety nine having voted in the affirmative and twenty nine in the negative, with fifteen being absent, six paired and two vacant, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading tomorrow.

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Allow the Department of Educational and Cultural Services to Administer the Child Nutrition Program in Private, Nonprofit Schools" (H. P. 772) (L. D. 1002)

Report was signed by the following members:

Senators:

CLARK of Cumberland  
HAYES of Penobscot  
HICHENS of York

— of the Senate.

Representatives:

MATTHEWS of Caribou  
LOCKE of Sebec  
CROUSE of Washburn  
SMALL of Bath  
MURPHY of Kennebunk  
BOTT of Orono  
RANDALL of East Machias

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Representatives:

SOUCY of Kittery  
THOMPSON of South Portland  
BROWN of Gorham

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves acceptance of the Majority "Ought to Pass" Report.

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: The federal government is not administering the child nutrition program in private schools. The United States Department of Agriculture has requested that a state agency administer these programs and will be turning the program over to the states in the near future.

The Department of Education and Cultural Services is requesting through this bill permission to administer the program in this state, and the majority of the Committee on Education felt that the Department of Education is the logical agency to do it for two reasons—the department administers the program in public schools, and the unit is already in place and functioning. The state has not administered the program in the past because of the state's federal matching requirements. Federal law was changed to eliminate the requirement for the states to raise and distribute state money

to private schools if it is prohibited to do so by state law, and this bill would prohibit the use of any state funds.

Thereupon, the Majority "Ought to Pass" Report was accepted, and the Bill read once and assigned for second reading tomorrow.

#### (Off Record Remarks)

On motion of Mr. Theriault of Fort Kent, Adjourned until nine o'clock tomorrow morning.