

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

Amendment "A" (H-425) in the House on May 25, 1993.

Came from the Senate with the Majority **"Ought Not to Pass"** Report of the Committee on Legal Affairs read and accepted in non-concurrence.

On motion of Representative Daggett of Augusta, the House voted to Insist.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-214) on Bill "An Act Establishing an Indigent Defense Reimbursement Fund" (S.P. 174) (L.D. 588)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-214).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-214) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-214) in concurrence.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-215) on Bill "An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination" (S.P. 214) (L.D. 685)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-215).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-215) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-215) in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 291) (L.D. 861) Bill "An Act to Amend the Laws Governing the Effect of a Tender in Foreclosure Actions" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-216)

(S.P. 292) (L.D. 862) Bill "An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-217)

(S.P. 425) (L.D. 1334) Bill "An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-218) (Senator HANLEY of Oxford - of the Senate - Abstained)

(S.P. 238) (L.D. 731) Bill "An Act to Ensure Small Boarding Homes Sufficient Funds to Remain Economically Viable" Committee on Human Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-221)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, having voted on the prevailing side, I move reconsideration of our action whereby the House voted to recede and concur on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428).

Mr. Speaker, Men and Women of the House: L.D. 1428 is a bill entitled "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes." This has been amended with House Amendment "A" (H-427). There were a couple of changes to the original bill that I will explain.

This bill was submitted by me to reduce the access by minors, specifically by individuals under the age of 18, to cigarettes in the State of Maine. Current law prohibits the knowing distribution or sale of cigarettes by use of vending machines in locations that are at all times under the direct supervision by an adult during the hours the machines is accessible.

L.D. 1428 as amended by House Amendment "A" would change the law in the following ways. Number one, it would make the law applicable to vending machines sales of all tobacco products, not just cigarettes.

Number two, it would restrict the placement of cigarette vending machines to specific types of facilities, facilities that individuals under the age of 18 do not frequent.

Number three, it would require that vending machines be located inside the facility and be in the plain view of the person in charge and under the direct control of the person in charge.

Finally number four, the bill would change the civil penalties. Presently the civil penalty for violation of the act is a forfeiture of not less than \$100 and no more than \$500. This bill, as amended, would change it to the forfeiture of not less than \$100 and no more than \$1,000 so it would raise the top end from \$500 to \$1,000, thus bringing the penalty here in line with the statute regarding the knowing sale of tobacco products to minors, that is Title 22 MRSA, section 1579.

I sponsored this bill because the current

cigarette vending machine law in Maine is inadequate. Presently, we do not have single individual in the state dedicated to enforcing the law. I checked with several departments including the Division of Liquor Enforcement and that was the conclusion that I reached and no one can tell me differently.

I would encourage you to stop in at stores, restaurants and motels and see for yourself if you haven't already. Cigarette vending machines are placed in locations that are at all times under the direct supervision of an adult or that person in charge.

I also sponsored this legislation because I know that many children purchase their first cigarette from vending machines. How do I know this? Because I have spoken with many youngsters myself. I have also seen statistics that bear this out.

I won't belabor the point, you have heard a lot about the smoking bills in the last few days but I do want to cover a couple of statistics that I think are important. Each year over 6,000 Maine children begin to smoke before the age in which it is legal for them to purchase cigarettes, i.e., that age of 18. The overwhelming majority of Maine smokers began to smoke when they were teenagers. In fact, 96 percent of male smokers are between the ages of 18 to 24 and 93 percent of women smokers in the state are between the ages of 18 to 24. I don't think I articulated that correctly — let me say that again, 96 percent of the male smokers between the ages of 18 and 24 began to smoke when they were teenagers and 93 percent of the women smokers in the age group 18 to 24 began to smoke when they were teenagers.

Maine has the third highest rate of smokers in the age 18 to 34 category in the United States. Only Kentucky and Tennessee, two tobacco states, are ahead of Maine. In Maine, 23 percent of high school seniors smoke cigarettes. Even more alarming is the fact that 3 percent of fifth graders in the state are smokers, 7 percent of seventh graders and 17 percent of ninth graders.

Now about vending machines — a study was done by the National Automatic Merchandising Association, this is a trade association of vending machines companies, and the study showed that younger teenagers, those 13 years old, were most likely to purchase cigarettes through vending machines. Twenty-two percent recorded doing so often. Teens found that vending machines were attractive because of easy accessibility. Fifty-six percent responded that no one prohibit them from buying cigarettes from vending machines.

The Inspector General of the United States Department of Health and Human Services recently did a study on the enforcement of state laws limiting tobacco use, all 50 states were studied, and one of the recommendations made by the Inspector General was that states ban vending machines sale of cigarettes.

I know that I don't need to go on to address the health effects of smoking nor do I need to go on about the cost of Maine people in terms of health care dollars that we spend on diseases that result from smoking. My concern here is young children who begin to smoke.

The restrictions in this bill are not radical. In addition to their state laws prohibiting the sale of tobacco to minors, 21 other states and Washington, D.C. have passed laws that restrict vending machines in almost identically the same manner as this bill

before you. Let me clarify that, I did misstate — there are nine states that have laws identical to L.D. 1428 or almost identical. There are 21 states and Washington, D.C. that have restricted the placement of vending machines in some manner.

I think this is an important bill. Again, I ask you to look at the amendment with a filing number of H-427 and see what this does, I ask you to recall when you go to restaurants, when you go to places of business and you see the vending machines located around the corner. Lately, I have made an inspection of several facilities and I can assure you that vending machine laws are not being adhered to. I talked to a vending company owner about this, one of the largest in the state, and he acknowledged that there is a problem. In fact, he testified at the hearing and, while he didn't agree with this bill, I did consult with him prior to putting the bill together and actually the bill, I thought, was a compromise by incorporating some of his concerns but he said, even though they place the machines, the owner of the premises tell them where to place the machines and that is where they place the machines. I think we have a problem. I don't think this is going to cost the state any money in terms of aggregate sales of tobacco products, I don't think this is going to cost the state any money in terms of lost revenue, in fact you may want to take a look at the fiscal note that was done for this bill. Let me read you the fiscal note — it says, "The additional workload in administrative costs associated with a minimal number of new cases filed in the court system can be absorbed within a budgeted resources of the judicial department. The collection of additional fines may increase General Fund revenues by a minor amount."

I won't continue, the pending motion is to reconsider the motion to recede and concur and I would ask that you vote to reconsider the motion and then I would like to make another motion to Insist and ask for a Committee of Conference and deal with the other body.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to stay with your previous position. Please oppose the motion to reconsider and vote red.

My position on this is strictly a position of business. Here we are once again interfering in the operations of the businesses. We are telling people where to place vending machines. This has nothing to do with smoking but where to place vending machines. We are micromanaging business. We wonder why businesses are leaving the State of Maine, this is one good reason.

The Representative from Portland says that this is not a radical change, we are going to a \$500 fine and in another case \$2,500 for allowing a young adult to buy cigarettes from a machine. Let me tell you something, I don't care where you place these machines, these kids will outsmart any businessman or any law that we might be able to pass to prevent them from smoking. If you want to stop them from smoking, you teach them how and why and the damage to their health. If you are going to play around with machines, it is going to hurt businesses.

I asked for the report, the Committee Report, this was a Majority Report, 9 to 4, and the way it

got by the first time was an accident, it slipped by and it was my fault. I ask you to please listen to the people on the Committee Report and please stay with your position. Please vote red.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HøGLUND: Mr. Speaker, Men and Women of the House: This did not get by accident, this bill was a held over bill, it did not have a public hearing and half the people were not in the Business Legislation Committee when we took a vote.

Representative Rowe asks for reconsideration and he has some important facts about it that was not given to the committee so I felt they were substantial enough to bring it back for reconsideration. Four of us brought it out, with not a full committee group, so I ask you to vote yes for reconsideration, let them have a Committee of Conference and let them work it out. That would be fair.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came before the Business Legislation Committee, I had a real hard time making up my mind because, for the most part, I am really concerned about businesses in the State of Maine. I agree with some of Representative Vigue's concerns but I must tell you that cigarettes are damaging our young people and that certainly is not news to anybody. I feel very strongly if this small move to have businesses place cigarette vending machines in a place where it is less convenient for young children to get in and buy the cigarettes without being noticed or for anybody to say anything, if the vending machines are in a more public place where they are going to be seen by some adults, if we save one young person in the State of Maine from picking up the habit, to me it is worth the small inconvenience.

I am a little uncomfortable with the fine part of the bill, I will admit that, but I would hope that we would never get to the part of having to enforce those fines.

I would ask you to support Representative Rowe's request and reconsider the bill. I know that it isn't a perfect bill but, again I say, if we save one young person from starting to smoke, I think it is worth the effort.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I must disagree with my House Chair. We did have a public hearing, we did. At the public hearing, all these points were brought up.

I tell you my people back home are telling me, businesses, "please, please leave us alone. Do not micromanage our businesses."

Regardless of where you place cigarette machines, these children, these young adults will find a way to get to the machines. If you don't believe so, let me tell you something — you let them go and I will guarantee you that they will get cigarettes whether they get them from the store or they get them from the machines, they will find a way to buy their cigarettes and this is not going to help. This is only going to hurt businesses, they will end up paying fines that they don't deserve to pay and I ask you to please oppose the motion.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: I don't intend to speak much more but I just want to clear up something that the Representative from Winslow said. The top end of the forfeiture would simply increase from \$500 to \$1,000. I don't know the other figure he quoted, I am not sure where he got it.

I heard yesterday about restaurants and banning smoking from restaurants — I understood that argument, that if somebody was a smoker and you had a big sign "No Smoking" and if they knew you could not smoke in Maine restaurants, they might not want to go there if you are a smoker. I don't see anybody not going into a facility because there is a cigarette vending machine in there, I really don't buy that. How is it going to hurt business? If adults use these machines, people who are smokers are going to buy cigarettes, my concern is the kid starting to smoke. My concern is that these machines are located all over the place. Kid can go up, there is no supervision.

I wish we had debated this and we had time to go out and find out for yourself. Regardless of how you vote, if you defeat this, I will bring it up again. I feel strongly about it, maybe not this time around, but I would ask you to conduct your own search.

I appreciate the impact that some of these bills have on business in Maine so you know that that sounds real handy to use every time, business/business — how about these kids who become smokers and then develop disease and have problems? You know that costs the state a lot of money in terms of health care.

I think we owe it to the kids, and I don't consider myself anti-business, but I do consider this to be a good bill. I would ask for your support on the motion to reconsider.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Members of the House: The existing law that we already have on the location of cigarette vending machines says "that they must be in a place where they can be supervised."

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, I would like to pose a question through the Chair.

Regarding House Amendment "A" (H-427) — it appears to me in line 43 and 44 a change in the fiscal impact of this amendment would result in reduction of fines from \$2,500 to \$1,000. I do not see that that amendment carries a fiscal note and I would ask if it complies with Joint Rule 22?

The SPEAKER: The Chair would advise the Representative from Falmouth that the Chair allowed the debate to continue on the motion to reconsider when in fact it had nothing to do with the motion to reconsider. Therefore, the Chair is not in a position to rule on House Amendment "A" since it is not before the body at this time.

The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points, to Representative Vigue's point about children still getting cigarettes, he is right, I will concede that. I am not that naive, I know I live in Rumford but it is not that far out of the mainstream of the

world.

Again I say, if we can make this a little less convenient, it may prevent even one, two, three or four from getting them.

And to Representative Libby's comment about the law that is in existence, he is absolutely right, the problem is that it is not being enforced. This may help pressure the people who put these vending machines in their places of business to do what needs to be done and put them in a location — again, I emphasize what Representative Rowe said, the people who own the vending machines have no control over where they are put, they are located in businesses according to where the owner designates. Again, if we can just ask them to move them to a place where it is a little less easy — I remind you that a young person buying cigarettes over the counter has to walk up and face somebody and ask them to break the law. When they walk up to that machine, nobody says, "Are you 18 years old?" Nobody says anything so it is just a little less inconvenient.

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

A vote of the House was taken and more than one-fifth of the members present and voting 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 Representative from Portland, Representative Rowe, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 144

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Johnson, Joy, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Libby James, Lipman, Look, Lord, MacBride, Marsh, Marshall, Melendy, Michael, Mitchell, J.; Murphy, Nickerson, Norton, O'Gara, Oliver, Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Rand, Richardson, Robichaud, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, Young, Zirkilton.

NAY - Aikman, Bailey, H.; Carleton, Caron, Carr, Clukey, DiPietro, Dutremble, L.; Erwin, Farnum, Farren, Foss, Greenlaw, Jacques, Kerr, Lemont, Libby Jack, Lindahl, Nash, Ott, Paradis, P.; Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Rotondi, Saint Onge, Saxl, Small, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb.

ABSENT - Coffman, Dore, Gamache, Hillock, Jalbert, Joseph, Larrivee, Martin, H.; Michaud, Mitchell, E.; Morrison, Nadeau, Pineau, Ricker, Skoglund, Spear, Strout, Sullivan, The Speaker.

Yes, 94; No, 38; Absent, 19; Paired, 0; Excused, 0.

94 having voted in the affirmative and 38 in the negative with 19 being absent, the motion to reconsider did prevail.

The SPEAKER: The pending question now before the House is the motion of the Representative from Winslow, Representative Vigue, that the House recede and concur.

The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: For all the reasons that I just sat forth, I would ask that you vote against the pending motion to recede and concur so that we can go on and Insist and ask for a Committee of Conference.

Mr. Speaker, is the motion to Insist and ask for a Committee of Conference appropriate at this time?

The SPEAKER: The Chair would answer in the negative. The pending motion is the motion to recede and concur, which has priority.

Representative ROWE: Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

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

A vote of the House was taken and more than one-fifth of the members present and voting 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 Representative from Winslow, Representative Vigue, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 145

YEA - Aikman, Bailey, H.; Caron, Carr, Chonko, Clark, Clement, Clukey, Cross, DiPietro, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Gould, R. A.; Greenlaw, Hale, Hatch, Heino, Jacques, Joy, Kerr, Lemont, Libby Jack, Libby James, Lindahl, Marshall, Nash, Norton, O'Gara, Ott, Paradis, P.; Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Rotondi, Saint Onge, Saxl, Small, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb.

NAY - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carroll, Cashman, Cathcart, Chase, Cloutier, Coles, Constantine, Cote, Daggett, Dexter, Donnelly, Driscoll, Faircloth, Fitzpatrick, Gean, Gray, Gwadosky, Heeschen, Hichborn, Hoglund, Holt, Hussey, Johnson, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lipman, Look, Lord, MacBride, Marsh, Melendy, Michael, Mitchell, J.; Murphy, Nickerson, Oliver, Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Rand, Richardson, Robichaud, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, Young, Zirkilton.

ABSENT - Birney, Coffman, Dore, Gamache, Hillock, Jalbert, Joseph, Larrivee, Martin, H.; Michaud, Mitchell, E.; Morrison, Nadeau, Pineau, Ricker, Skoglund, Spear, Strout, Sullivan, The Speaker.

Yes, 51; No, 80; Absent, 20; Paired, 0; Excused, 0.

51 having voted in the affirmative and 80 in the

negative with 20 being absent, the motion to recede and concur did not prevail.

Subsequently, on motion of Representative Rowe of Portland, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter: An Act to Amend the Laws Relating to the Lobster Promotion Council (H.P. 842) (L.D. 1147) (C. "A" H-350) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: My intent is, and I will tell you right up front, not to influence your vote on this situation, it is merely to advise you that I will be voting against it and why I am voting against it.

I did not intend to debate this issue until yesterday when a flyer was placed on our desks. It is an editorial from the Courier Gazette and within that article, it refers to my constituents and I will read it. "The Council's critic, mostly lobstermen from down east, say they do not want to pay the \$25 surcharge on their lobster licenses that goes to fund the Council. They cannot see the point in paying something that does not seem to be having an effect on the boat prices." Now what we are talking about here is about prices and how much they are paid for their catches.

I think all of us are entitled to feel that if we pay out money, we are entitled to receive something in exchange. I think that what transpired within the committee disturbs me and, more importantly, what disturbs me is some of the comments that I have heard over the years that I have been representing the people from my district in down east Maine. I have heard remarks which consider that their voice is really not important, that we must go along with the crowd and I say that I am here to be their Representative and that is why my voice vote will be no. I am representing the many down east lobstermen.

They feel that their promotion is not perhaps necessary. I am not going to speak against the promotion from my personal viewpoint but in behalf of them, I am saying to you that is their opinion.

There are other issues concerning this that they have expressed to me that come into their decisions. We have in this state a plan whereby a poundage value is placed on imports from other countries. They feel that the same plan should apply in this case so I want you to know where I am coming from representing them.

I do resent my people are considered to be obstructionists and against everything that takes place.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: It takes courage to stand up here and oppose the good lady from Jonesboro, who is a fine Representative and I appreciate the fact that she represents her people well. I am here to influence your vote, to support this particular piece of legislation.

Keep in mind that the concept of the lobster

promotion council came from the industry itself. The catch of the lobsters are up to the point where we are probably catching more lobsters now than we have ever done and there is a need to maintain a price. You probably can recall a few years ago, there were many boats along the coast of Maine that tied up because the price dropped so low that they just could not afford to fish. There are so many dollars out there in the world that buy seafood and we have to compete with Alaska, Hawaii, California, eastern coast of the United States, Canada and Europe.

To say the least, fishermen on the coast of Maine are an independent lot and if on any given day you can get 51 percent of them to agree to anything, you have accomplished quite a lot. Now I am not disregarding their independence or their input, what I am saying is that to be a lobster fisherman, you are a very unique individual. You don't punch a clock, you go to work, you quit, you do all of these things when you want to. You fish the days you want to and it is difficult for fisherman, if I were a lobster fisherman, I think it would be very difficult if someone came along to me and said "Well, we are going to tack on a \$25 surcharge onto you for lobster promotion" but keep in mind that this concept came from the industry itself.

The goals of the council are many and I will just mention a few. They are to promote year-round demand for lobster, not just during the season when we have a lot of tourists in the area. They are to develop new markets, to develop the concept of new shell lobsters rather than the soft shell lobster which commutates a lesser quality product. They are to be leaders in issues that affect the overall industry and they are to manage crisis situations. You recall, just awhile ago that there was some concern as to whether or not lobsters were good to eat because of the fat content and whether or not lobsters carried cholesterol — well, from this promotion council came the slogan and you probably have seen it, it has been nationwide, "If you eat lobster, good for you."

During the promotion of last August and September, there were some 400 supermarkets in the United States that did a promotion through this council in the peak season when we had a lot of new shell lobsters. The Maine Lobster Council put out guidebooks for cooking and eating lobster. Perhaps as you came into the State of Maine from a visit out of state last summer, you might have seen a number of restaurants that had a 30 foot inflated lobster flying over them or attached to the roof, this was part of the lobster promotion council. At one time last summer, there were six radio stations in the State of Maine and two in New Hampshire that did a lobster promotion. We do international promotions, such as one in the food markets or trade show in Paris. I could go on and on and mention the promotions that are now going on, even though this organization is in its infancy. Trade shows in Boston, Chicago and Paris. Two ads in Sea Food magazine, "This council has brought to the State of Maine 500 new leads for possible marketing of lobsters that are now not sold in that market area."

The 1993 budget of the promotion council, they will expend two-thirds of that total budget on promotion of the lobster itself.

It is difficult to measure promotion, we know that. We have had lobster fishermen who testified at our committee saying, "Gee, I don't want to pay that