

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
11th Legislative Day
Tuesday, January 31, 1995

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

Prayer by Pastor Robert Frederich, First Baptist Church, Portland.

National Anthem by Hall-Dale High School Band and Chorus, Hallowell.

The Journal of Friday, January 27, 1995 was read and approved.

COMMUNICATIONS

The following Communication: (H.P. 238)
Bureau of Corporations, Elections, and Commissions
Department of the Secretary of State
State House Station #101
Augusta, Maine 04333
January 26, 1995

Honorable Dan A. Gwadosky
Speaker of the House
State House Station #2
Augusta, Maine 04333
Dear Speaker Gwadosky:

Please find enclosed a certified copy of the Secretary of State's certification of validity for the petitions circulated on behalf of initiative legislation entitled, "AN ACT to Limit Protected Classes Under Maine Law." The original certification has been delivered to the Clerk of the House for introduction.

Sincerely,
S/Rebecca Wyke
Director of Corporations
and Elections

State of Maine
Department of State

I, the Secretary of State of Maine, certify that written petitions bearing signatures of 60,683 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on August 22, 1994, requesting that the Legislature consider an act entitled "AN ACT to Limit Protected Classes Under Maine Law."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 52,308.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-fifth day of January in the year one thousand nine hundred and ninety-five.

S/BILL DIAMOND
Secretary of State

Was read and with accompanying papers ordered placed on file and sent up for concurrence.

On motion of Representative JACQUES of Waterville, the accompanying Bill "An Act to Limit Protected Classes Under Maine Law" (I.B. 1) (L.D. 310) was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The following Communication: (H.C. 30)
MAINE STATE LEGISLATURE
Augusta, Maine 04333
January 26, 1995

Honorable Dan Gwadosky
Speaker of the House
State House Station #2
Augusta, Maine 04333
Dear Speaker Gwadosky,

The Unorganized Territory Education and Services Fund Study Commission is pleased to provide the Legislative Council with the attached report of our study of the issues that affect the provision of services in the State's Unorganized Territory, pursuant to Private and Special Laws of 1994, c. 100. We hope that the recommendations in this report will have a positive impact on the residents and taxpayers in the U.T.

Thank you for the opportunity to serve on the Commission. We look forward to a thorough and vigorous discussion of our proposals.

Sincerely,
S/Richard Gould
Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 31)
STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
January, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
Members of the 117th Maine Legislature
Re: Annual Oil Overcharge Funds Report
Dear President Butland, Speaker Gwadosky,
and Honorable Members of the 117th Legislature:

I am pleased to submit the 1994 Governor's Report to the Legislature on Maine's Use of Exxon, Stripper Well, and Diamond Shamrock Oil Overcharge Funds.

The PVE report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1986, Section 5 of Chapter 533 of the Public Laws of 1987, and Chapter 119 of the Private and Special Laws of 1989. A report to the Legislature was required of laws enacted for the spending of Exxon, Stripper Well, and Diamond Shamrock funds made available to the States from the courts in oil overcharge findings. Over the last several years, the spending of oil overcharge monies has been authorized by the legislature with the passage of the budget. This report is submitted to the Legislature to be consistent with the earlier laws.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,

S/Evan D. Richert, AICP

Was read and with accompanying report ordered placed on file.

Springs, VIGUE of Winslow)

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Adjust the Percentage of State Revenues Credited to the Local Government Fund to Replace the Loss of the Inventory Tax Reimbursement" (H.P. 246) (L.D. 348) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, GOULD of Greenville, HICHBORN of LaGrange, KNEELAND of Easton, MORRISON of Bangor, MURPHY of Berwick, RICE of South Bristol, SAVAGE of Union, SPEAR of Nobleboro, STONE of Bangor, Senator: LORD of York)

Bill "An Act to Strengthen the General Fund's Unappropriated Surplus" (EMERGENCY) (H.P. 268) (L.D. 370) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: BOUFFARD of Lewiston, CLARK of Millinocket, DIPIETRO of South Portland, POULIOT of Lewiston, TRUMAN of Biddeford, WINN of Glenburn, YACKOBITZ of Hermon, Senators: BERUBE of Androscoggin, CARPENTER of York, HANLEY of Oxford)

Business and Economic Development

Bill "An Act to Clarify the Law Relating to the Licensing of Accounting Firms" (H.P. 232) (L.D. 312) (Presented by Representative DUNN of Gray) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: BUCK of Yarmouth, CHICK of Lebanon, GIERINGER of Portland, HARTNETT of Freeport, JOYNER of Hollis, MARVIN of Cape Elizabeth, MAYO of Bath, MURPHY of Berwick, OTT of York, PENDLETON of Scarborough, POVICH of Ellsworth, REED of Falmouth, SIMONEAU of Thomaston, TYLER of Windham, WINGLASS of Auburn, Senators: ABROMSON of Cumberland, CAREY of Kennebec)

Bill "An Act to Modify Exemptions Regarding the Practice of Cosmetologists, Barbers, Manicurists and Aestheticians" (H.P. 249) (L.D. 351) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, LIBBY of Kennebunk, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow)

Bill "An Act to Define a "Demonstrator" under the Board of Barbering and Cosmetology" (H.P. 259) (L.D. 361) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: GIERINGER of Portland, KNEELAND of Easton, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow)

Bill "An Act to Promote Industry in the State by Creating Industry Specialists" (H.P. 265) (L.D. 367) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: BARTH of Bethel, CROSS of Dover-Foxcroft, DONNELLY of Presque Isle, GIERINGER of Portland, GUERRETTE of Pittston, KNEELAND of Easton, LIBBY of Kennebunk, MAYO of Bath, McALEVEY of Waterboro, PINKHAM of Lamoine, SPEAR of Nobleboro, STROUT of Corinth, TRUE of Fryeburg, TUFTS of Stockton

Criminal Justice

Bill "An Act to Establish a Presumption That the Owner of a Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase" (H.P. 266) (L.D. 368) (Presented by Representative AIKMAN of Poland) (Cosponsored by Representatives: BAILEY of Township 27, CLUKEY of Houlton, NICKERSON of Turner, Senators: BERUBE of Androscoggin, HALL of Piscataquis, HANLEY of Oxford)

Bill "An Act to Require a Person to Serve the Complete Sentence That Was Issued" (H.P. 267) (L.D. 369) (Presented by Representative OTT of York) (Cosponsored by Representative: PLOWMAN of Hampden)

Education and Cultural Affairs

Bill "An Act to Encourage Collaboration between Local School Units" (H.P. 248) (L.D. 350) (Presented by Representative REED of Falmouth) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: AULT of Wayne, BARTH of Bethel, BUCK of Yarmouth, HARTNETT of Freeport, TAYLOR of Cumberland, Senator: ABROMSON of Cumberland)

Human Resources

Bill "An Act to Limit Copayments for Participants in Medicaid Managed Care Demonstration Projects" (H.P. 233) (L.D. 313) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, DORE of Auburn, ETNIER of Harpswell, JONES of Bar Harbor, LEMAIRE of Lewiston)

Bill "An Act to Abolish the Maine Health Care Finance Commission" (H.P. 269) (L.D. 371) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative: NASS of Acton, Senator: HANLEY of Oxford)

Inland Fisheries and Wildlife

Bill "An Act to Require Bird Hunters to Wear 2 Articles of Blaze Orange" (H.P. 254) (L.D. 356) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: AIKMAN of Poland, CAMERON of Rumford, CHICK of Lebanon, FARNUM of South Berwick, FISHER of Brewer, HEINO of Boothbay, HICHBORN of LaGrange, KEANE of Old Town, LUMBRA of Bangor, RICE of South Bristol, TUTTLE of Sanford, WATERHOUSE of Bridgton)

Bill "An Act to Set Aside a Number of Moose Hunting Permits for Former Prisoners of War" (H.P. 255) (L.D. 357) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representatives: JOHNSON of South Portland, ROSEBUSH of East Millinocket, TRUE of Fryeburg)

Judiciary

Bill "An Act to Clarify Professional Liability" (H.P. 231) (L.D. 311) (Presented by Representative SIMONEAU of Thomaston)

Bill "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence" (H.P. 244) (L.D. 346) (Presented by Representative RICHARDSON of Portland)

Bill "An Act to Authorize the Broadcasting of Information about Persons Who Are Delinquent with Child Support Payments" (H.P. 250) (L.D. 352) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: CARLETON of Wells, FARNUM of South Berwick, OTT of York, Senator: HARRIMAN of Cumberland)

Labor

Bill "An Act to Allow Contract Employees of the Maine State Ferry Service to Buy Retirement Time" (H.P. 234) (L.D. 314) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: McALEVEY of Waterboro, SAVAGE of Union, Senators: LONGLEY of Waldo, PINGREE of Knox, RUHLIN of Penobscot)

Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BOUFFARD of Lewiston, BRENNAN of Portland, CHASE of China, CLARK of Millinocket, DRISCOLL of Calais, FISHER of Brewer, GWADOSKY of Fairfield, HATCH of Skowhegan, HICHBORN of LaGrange, JACQUES of Waterville, JONES of Bar Harbor, JOSEPH of Waterville, KEANE of Old Town, LEMAIRE of Lewiston, LEMKE of Westbrook, LUTHER of Mexico, MARTIN of Eagle Lake, MERES of Norridgewock, MITCHELL of Vassalboro, POULIOT of Lewiston, ROSEBUSH of East Millinocket, SAMSON of Jay, STEVENS of Orono, THOMPSON of Naples, TUTTLE of Sanford, Senators: BUSTIN of Kennebec, CAREY of Kennebec, ESTY of Cumberland, LAWRENCE of York, McCORMICK of Kennebec, MICHAUD of Penobscot, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 262) (L.D. 364) (Presented by Representative CHASE of China) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: BERRY of Livermore, HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, ROSEBUSH of East Millinocket, SAMSON of Jay, VOLENIK of Sedgwick, Senators: RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" (H.P. 263) (L.D. 365) (Presented by Representative CHASE of China) (Cosponsored by Representatives: BERRY of Livermore, HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, SAMSON of Jay, SHIAH of Bowdoinham, Senator: RAND of Cumberland)

Legal and Veterans Affairs

Bill "An Act to Allow Restaurants to Sell Liquor on Sunday Mornings" (H.P. 239) (L.D. 341) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representative: MURPHY of Berwick)

Bill "An Act to Amend the Treatment of Security Deposits in Order to Provide a Remedy for Failure to Comply" (H.P. 241) (L.D. 343) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representatives: SAMSON of Jay, VOLENIK of Sedgwick)

Bill "An Act to Provide Equity in Services to Residents of Mobile Home Parks" (H.P. 242) (L.D. 344) (Presented by Representative WINSOR of Norway) (Cosponsored by Representative: DAGGETT of Augusta, Senators: BUSTIN of Kennebec, FERGUSON of Oxford,

LAWRENCE of York)

Bill "An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections" (H.P. 247) (L.D. 349) (Presented by Representative WINN of Glenburn)

Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters" (H.P. 251) (L.D. 353) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representatives: AULT of Wayne, BARTH of Bethel, BIRNEY of Paris, CAMPBELL of Holden, CLARK of Millinocket, DUNN of Gray, GREENLAW of Standish, HARTNETT of Freeport, JACQUES of Waterville, LABRECQUE of Gorham, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, MURPHY of Berwick, PEAVEY of Woolwich, PERKINS of Penobscot, POVICH of Ellsworth, REED of Falmouth, TRUE of Fryeburg, TUFTS of Stockton Springs, WINSOR of Norway, Senator: STEVENS of Androscoggin)

Bill "An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants" (H.P. 256) (L.D. 358) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representative: VOLENIK of Sedgwick)

Bill "An Act to Allow a Prevailing Tenant Reasonable Attorney's Fees in a Warranty of Habitability Case" (H.P. 257) (L.D. 359) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representative: VOLENIK of Sedgwick)

Natural Resources

Resolve, to Remove the Emissions Credit Problem in the State and Ensure Future Job Growth and Creation (H.P. 252) (L.D. 354) (Presented by Representative ROBICHAUD of Caribou) (Cosponsored by Representatives: AHEARNE of Madawaska, BIRNEY of Paris, CAMPBELL of Holden, CHICK of Lebanon, CLARK of Millinocket, CLUKEY of Houlton, GOULD of Greenville, GUERRETTE of Pittston, JOY of Crystal, LANE of Enfield, LAYTON of Cherryfield, LUMBRA of Bangor, MADORE of Augusta, MARSHALL of Eliot, Senators: CARPENTER of York, CIANCHETTE of Somerset, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, STEVENS of Androscoggin)

State and Local Government

Bill "An Act to Create a Legislative Budget Office" (H.P. 240) (L.D. 342) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Amend the Provisions Relating to Access to Information for Candidates for Government Job Openings" (H.P. 264) (L.D. 366) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representatives: BERRY of Livermore, FITZPATRICK of Durham, HEESCHEN of Wilton, LEMAIRE of Lewiston, PERKINS of Penobscot, RICHARDSON of Portland, SAMSON of Jay, TYLER of Windham, VOLENIK of Sedgwick, Senator: MILLS of Somerset)

Resolve, Creating the Commission to Restructure State Government (H.P. 237) (L.D. 317) (Presented by Representative TUTTLE of Sanford)

Taxation

Bill "An Act to Establish an Equitable Sales Tax Structure for Bottled Water" (H.P. 258) (L.D. 360) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator GOLDTHWAIT of Hancock and

Representative: JONES of Bar Harbor)

Transportation

Bill "An Act to Clarify the Requirements for Truck Widths" (H.P. 245) (L.D. 347) (Presented by Representative STROUT of Corinth) (Cosponsored by Representative: BAILEY of Township 27)

Bill "An Act to Expand Participation in the State's Conservation License Plate Program" (H.P. 253) (L.D. 355) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: AHEARNE of Madawaska, CLARK of Millinocket, GUERRETTE of Pittston, Senators: CARPENTER of York, HALL of Piscataquis)

Bill "An Act to Allow the Issuance of Vanity Plates for Commercial Motor Vehicles and to Provide Special Registration Plates to Amateur Radio Operators" (H.P. 261) (L.D. 363) (Presented by Representative WATSON of Farmingdale) (By Request) (Cosponsored by Representatives: BUNKER of Kossuth Township, GREEN of Monmouth, POULIN of Oakland, SHIAH of Bowdoinham, STEVENS of Orono, TRIPP of Topsham)

Utilities and Energy

Bill "An Act to Allow Disclosure of Residential Natural Gas Costs" (H.P. 235) (L.D. 315) (Presented by Representative ADAMS of Portland) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: CLOUTIER of South Portland, DAVIDSON of Brunswick, GIERINGER of Portland, HARTNETT of Freeport, HEESCHEN of Wilton, JOHNSON of South Portland, JOYCE of Biddeford, KONTOS of Windham, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, MITCHELL of Portland, O'NEAL of Limestone, POULIN of Oakland, RICKER of Lewiston, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TAYLOR of Cumberland, TOWNSEND of Portland, TRUMAN of Biddeford, WINGLASS of Auburn, Senators: ABROMSON of Cumberland, ESTY of Cumberland, LAWRENCE of York, RAND of Cumberland)

Bill "An Act to Prohibit Regulatory Discrimination among Utilities" (H.P. 243) (L.D. 345) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: ADAMS of Portland, CLARK of Millinocket, HEESCHEN of Wilton, TAYLOR of Cumberland, Senators: CARPENTER of York, CLEVELAND of Androscoggin)

Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District" (H.P. 260) (L.D. 362) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Senator KIEFFER of Aroostook and Representative: WHEELER of Bridgewater)

REPORTS OF COMMITTEES Ought to Pass as Amended

Representative KERR from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 120) (L.D. 155) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-10)

The Report was read.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending acceptance of the

Committee Report and later today assigned.

Ought to Pass Pursuant to Joint Order (H.P. 184)

Representative POULIOT from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (EMERGENCY) (H.P. 270) (L.D. 372) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 184)

The Report was read.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending acceptance of the Committee Report and later today assigned.

Ought to Pass Pursuant to Joint Order (H.P. 184)

Representative POULIOT from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 184)

The Report was read.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending acceptance of the Committee Report and later today assigned.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, January 27, 1995 has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

Bill "An Act to Change the State's Air Quality Standard for Ozone to the Federal Standard" (H.P. 199) (L.D. 258) (Committee on Natural Resources suggested)

TABLED - January 27, 1995 (Till Later Today) by Representative GOULD of Greenville.

PENDING - Reference.

Subsequently, the Bill was referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE ORDER - Relative to amending House Rule 49 (H.O. 7)

- In House, Read on January 24, 1995.

TABLED - January 27, 1995 by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, the House Order (H.O. 7) was tabled pending passage and later today assigned.

Bill "An Act to Increase the Number of Primary Care Practitioners in the State" (S.P. 119) (L.D. 294) - In Senate, Referred to the Committee on Human Resources. (Committee on Appropriations and Financial Affairs suggested)

TABLED - January 27, 1995 by Representative MARTIN of Eagle Lake.

PENDING - Reference in concurrence.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference in concurrence

and later today assigned.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The following item was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Transfer Legislative Jurisdiction over Loring Air Force Base from the United States to the State" (EMERGENCY) (S.P. 125) (L.D. 308)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence. Ordered sent forthwith.

On motion of Representative POULIOT of Lewiston, the House adjourned at 12:55 p.m., until 3:30 p.m., Wednesday, February 1, 1995.