

HOUSE RECORD

**Second Year of the 156th Session of the General
Court**

Calendar and Journal of the 2000 Session

Vol. 22

Concord N.H.

Tuesday, June 27, 2000

No. 50

HOUSE JOURNAL No. 18(cont.)

Wednesday, May 31. 2000

(Speaker Sytek in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills 383, 393, 422, 446, 450 and 459.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Rep. Keith Herman in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 97, 226, 228, 297, 413, 417, 505, 618, 628, 648, 690, 713, 725, 1188, 1189, 1198, 1259, 1329, 1414, 1418, 1463, 1471, 1504, 1510, 1552, 1569, 1570, 1571, 1573, 1579, 1589, 1611, 1617, 1621, 1622 and 2000 and Senate Bills 135, 153, 226, 323, 353, 431, 436, 439, 448, 449 and 470.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Tuesday, June 27, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, lover of all, we remember before You the men and women of our country who served in the Korean War, upon a distant shore and in another time. May the years never cloud our memory of their willingness to serve. We especially remember those who gave their lives in the cause of upholding the light of democracy and freedom. Most profoundly we pray for a world where armed conflict will cease, and where men and women of honorable intentions and good will can negotiate differences peacefully. Until that day help us to defend what is right as we acknowledge our own imperfect sight and national interest. Amen.

Rep. Vaughn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Blaisdell, Patricia Cote, Ford, Perkins and Searles, the day, illness.

Reps. Bridle, Burkush, Chabot, Chase, Vivian Clark, Cooney, Emerton, Fields. Eugene Gagnon, Gibbons, Glines, Haettenschwiller, Richard Herman, Hoadley, Jane Kelley, Kenney, Kurk, Martin, William McCarthy, O'Keefe, Picconi, Nolan-Piteri, Shultis, Spang and Withee, the day, important business.

Rep. Mikowski, the day, death in the family.

Rep. Lovejoy, the day, illness in the family.

INTRODUCTION OF GUESTS

Many newly filed candidates for Representative to the General Court, guests of the House. Mr. & Mrs. J. Schraub, guests of Rep. Seldin. Dick Drisko and Carolyn Gargasz, guests of Rep. Durham.

special guests

The Girls' Varsity Championship Lacrosse Team from Concord High School, guests of the House.

The House of Representatives offered the following:

house resolution no. 25

Memorializing State Representative Frank M. Schanda of Newmarket

WHEREAS, it is with profound sadness and the deepest of regrets we have learned of the death of our legislative colleague, Frank M. Schanda, who was in his second term serving faithfully his constituents of District 19 of Rockingham County, and

WHEREAS, for the four years of his legislative tenure, Frank M. Schanda, with diligence, competence and great energy, did sit on the Standing Committee on Criminal Justice & Public Safety, and

WHEREAS, having been born in Kingston, New Hampshire, Frank M. Schanda did choose to remain in the State of his roots and did choose to settle in Newmarket where he did serve for twenty-five years as a member of the Board of Selectman, and

WHEREAS, having been possessed of high energy and abundant civic pride, Frank M. Schanda also did serve the citizenry of Newmarket in other capacities, including as Town and School Moderator for twelve years, as Vice Chairman and Chairman of the Housing Commission for seven years, and as Chairman of the Rockingham County Transportation Commission, and

WHEREAS, Frank M. Schanda, for fifty-eight years, was a member of the Robert G. Durgin American Legion Post 67 in Newmarket, and a member of the Lamprey Aerie of Eagles in Newmarket, and

WHEREAS, during World War II, Frank M. Schanda did serve his country as a member of the United States Marines and did see service at the battle for Guadalcanal, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Frank M. Schanda be saluted and granted the highest of accolades for his outstanding legislative service, and his untiring service to Newmarket and his dedicated service to his Country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

GOVERNOR'S VETO MESSAGE ON HB 235

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 235, An Act increasing exemptions under the interest and dividends tax.

I am vetoing this legislation because it is fiscally irresponsible and because I believe it would make the interest and dividends tax less fair.

If enacted, this legislation would reduce state general fund revenues by a significant amount, beginning July 1, 2002. This bill would cost the state general fund almost \$9 million in the next biennial budget and approximately \$6 million each year thereafter. This legislation provides no way to pay for that loss of revenue. In passing this bill, the legislature failed to designate the state services it would cut to compensate for this loss of revenue or, in the alternative, to pass a new revenue source to pay for its cost. Instead, H.B. 235 leaves the tough decision of figuring out how to make up for this loss of revenue to a future legislature. H.B. 235 is fiscally irresponsible.

H.B. 235 would also make the interest and dividends tax less fair. RSA 77:5 currently provides four categories of exemptions from the interest and dividends tax - a standard exemption for all persons; an additional exemption for those 65 years of age or older; an additional exemption for those who are blind; and an additional exemption for those who are disabled or unable to work. H.B. 235 increases the standard exemption and the additional exemption for those 65 years of age or older - regardless of the overall income level or need of the individual. Inexplicably, H.B. 235 leaves unchanged the exemption level for the blind and the exemption level for the disabled or those unable to work.

This legislation only benefits those with a significant amount of money invested in accounts that generate interest and/or dividends, and does so regardless of how much income those persons might have from other sources. For example, under H.B. 235 a married couple under 65 years of age with \$200,000 invested in a typical interest-bearing certificate of deposit would obtain a \$60 tax reduction, even if the couple also has \$1 million in income from exercising stock options. In contrast, a widow over 65 years of age with \$75,000 invested in a typical interest-bearing certificate of deposit, and whose only other source of income is Social Security, would obtain absolutely no benefit from H.B. 235.

H.B. 235 provides no benefit to average senior citizens and provides only a minor benefit to even the most wealthy individuals. Yet, the annual cost of this legislation, about \$6 million, is more than twice the amount the State general fund now invests each year in the Meals on Wheels program for senior citizens. It is over three times the amount the State general fund now invests each year in the Veterans' Home. It is over three times the amount the State general fund now invests each year in the Emergency Shelter program.

This legislation is an example of an unfortunate trend in the legislature to pass both tax expenditures and program expenditures outside the biennial budget process. H.B. 235 was pending in the legislature last year when the House and Senate passed the biennial operating budget. This legislation was not conceived this year to deal with a newly discovered problem or emergency. Indeed, similar legislation to this has been introduced repeatedly over the last few years. If the legislature believes that increasing certain exemptions to the interest and dividends tax is a priority, H.B. 235 should have been passed last year and its cost accounted for in the biennial budget. The legislature chose not to do this. Instead, it passed H.B. 235 this year outside the budget process.

I have made it clear for months that I would veto this legislation. I have repeatedly expressed my concerns regarding legislation that would increase expenditures or reduce revenues at a time when

we are struggling to find the resources necessary to fund our schools and provide other essential public services. The legislature's continuing refusal to consider the cumulative fiscal impact of individual pieces of legislation is disturbing and unacceptable.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 235**, increasing exemptions under the interest and dividends tax, become law?

Reps. Murphy, John Pratt and Jacobson spoke in favor.

As required by the State Constitution, a roll call was taken.

YEAS 256 NAYS 77

YEAS 256

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Millham, Alida	Pilliod, James	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane

CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Lyman, L Randy
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Rose, William
Zerba, Roger			

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Hall, David	Johnson, Gary
Marshall, Gene	Phinney, William	Scanlan, David	Solow, Martha
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Beaupre, Roland	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Carlson, Donald	Christiansen, Lars	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton	Fenton, James
Fletcher, Richard	Flora, Kathleen	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice	Haley, Robert
Hall, Betty	Hansen, Herbert	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	L'Heureux, Robert	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	McColgan, Philip Jr	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	Ouellette, Dean	Pepino, Leo
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sarette, John
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave

Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Rubin, George
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Splaine, James	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Gilmore, Gary	Grassie, Anne	Johnson, Nancy	Kaen, Naida
Keans, Sandra	McKinley, Robert	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Torr, Franklin	Twardus, Joseph	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Wiggins, Celestine		

NAYS 77

BELKNAP

Holbrook, Robert	Johnson, James	Wendelboe, Francine
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CARROLL

Bradley, Jeb	Chandler, Gene	Mock, Henry
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CHESHIRE

Hunt, John	Lerandeau, Alfred	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

COOS

Mears, Edgar	Tholl, John Jr
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GRAFTON

Cobb, John	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Mirski, Paul	Nordgren, Sharon		

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Baroody, Benjamin	Belvin, William
Buckley, Raymond	Calawa, Leon Jr	Clegg, Robert Jr	Clemons, Jane
Cote, David	Dalianis, Griffin	Dwyer, Paul Sr	Foster, Linda
Goley, Jeffrey	Holley, Sylvia	Jean, Loren	Keye, Harvey
Konys, Christine	LaRose, Richard	Lefebvre, Roland	Lozeau, Donnalee
MacGillivray, Jeffrey	McCarty, Winston	McDonald, James Sr	Mercer, Robert
Moriarty, Mary	O'Hearn, Jane	Peterson, Andrew	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	White, John	

MERRIMACK

Bouchard, Candace	Hess, David	Kennedy, Richard	Leber, William
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Nichols, Avis

Whalley, Michael

ROCKINGHAM

Blanchard, MaryAnn

Clark, Martha

Fesh, Robert

Kelley, William

Major, Norman

Packard, Sherman

Pantelakos, Laura

Vaughn, Charles

Weatherspoon, Jackie

STRAFFORD

Brown, George

Callaghan, Frank

Estabrook, Iris

Heon, Richard

Knowles, William

Lent, Donald

Lundborn, Raymond

Taylor, Kathleen

Vachon, Dennis

Vincent, Francis

SULLIVAN

Burling, Peter

and the veto was overridden by the necessary two-thirds.

Rep. Christie did not vote and wished to be recorded in favor.

Rep. Rice declared a conflict of interest and did not participate.

remarks

Rep. Solow moved that the remarks made by Rep. John Pratt be printed in the Journal

On a division vote, 179 members having voted in the affirmative and 152 in the negative, the motion was adopted.

Rep. John Pratt: Thank you, Madam Speaker. My remarks are really more generic to a number of the vetoes and I hope, since I only want to make one appearance here today, to address them all at this time. The Governor's Veto Message on House Bill 235 says, "I am vetoing this legislation because it is fiscally irresponsible. She vetoed the legacy and succession tax because it was fiscally irresponsible." She vetoed a tax that would provide funding for juvenile diversions costing one hundred and some odd thousand dollars because it was fiscally irresponsible. She vetoed Senator Pignatelli's bill, which is not before us today but I sure hope will be on the 12th, which created the family court and added two more counties, a wonderful program, because it was fiscally irresponsible. Madam Speaker, the Governor is quite right when she talks about fiscal irresponsibility, but she has the shoe on the wrong foot. When the history of this session of the New Hampshire Legislature is written it will show that this has been one of the truly great legislatures in our 200 plus years (and I must add parenthetically, when that history is written, the work of our outgoing Speaker will be in bold print saying she went out with a bang and no whimper.) Madam

Speaker, we remember last year. This House and the other body courageously, somewhat unpredictably, passed legislation in response to the Supreme Court's challenge on Claremont, which provided adequate funding for education without bankrupting the general fund of this state (and again, I'd add parenthetically, Madam Speaker, when you are in your rocking chair days I suspect you will look back and say, "That was a great achievement," although at the time I think you had a somewhat different view.) The Governor brought the full weight of her office upon us and we could not concur with the Senate and we were forced to cobble together a budget which we did, which in essence hobbled the state of New Hampshire, not a very sensible policy, cobble and hobble, but that is what we had to do and we did it. But, we did more. We decided to begin the process of imprinting a new DNA, if you will, upon the state. We said that in the next century we would ask our seniors to bear too heavy a burden by paying too great an interest and dividend tax and due to the courageous leadership of my colleague on the Judiciary Committee from New London, this legislature passed legislation which significantly changed the exemption limits and, I say to you, I think we got it right. And then we took up the legacy and succession tax and we said in the next generation and in the next century it was inherently wrong and unfair to tax one small segment of the people of New Hampshire differently from all the rest and we repealed that tax under the courageous leadership of my colleague from Walpole (and I would just say to you, parenthetically again, I cannot tell you how proud I have been in my service here to have my colleague as my mentor) and, I say to you, we got it just about right. And, when we passed, this House and the other House, the family court reform bill, we were imprinting the Judiciary and making one of the very needed reforms, and we'll see more of them in the year ahead, I have no doubt, but one of the very needed reforms in our Judicial system and I say to you, we got it just about right. And so I urge my colleagues to stay the course, to override these vetoes and set the state on a course of action which will continue to make it proud of us and to make us one of the great legislatures in the history of New Hampshire. Thank you, Madam Speaker.

GOVERNOR'S VETO MESSAGE ON HB 1548

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1548, An Act abolishing the death penalty.

I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty.

Just three years ago in Colebrook, Carl Drega tracked down and killed Vickie Bunnell. Carl Drega killed Dennis Joos, who tried to save Vickie Bunnell. Carl Drega killed two New Hampshire state troopers, Scott Philips and Leslie Lord. During his shooting rampage, Carl Drega also shot and wounded four other law enforcement officers. The search of Carl Drega's property that followed his bloody rampage revealed hundreds of pounds of booby-trapped explosives designed to kill and maim countless people. If Carl Drega had not been killed that day, I believe an indictment for capital murder would have been appropriate for his cold-blooded, brutal murders.

Our death penalty law carefully safeguards defendants' due process rights. No one has been executed in New Hampshire since 1939. No one sits on death row in this state. Capital indictments have been brought only in the most exceptional cases.

Some who oppose the death penalty argue that DNA testing has shown that innocent people have sat on death row in other states. Some have suggested that the Richard Buchanan case in New Hampshire shows that could happen here. I believe that the Buchanan case proves the exact opposite. After Mr. Buchanan was arrested, but long before trial, DNA testing showed that the evidence found on the body of the victim in that horrible crime could not have come from Mr. Buchanan. Charges against Mr. Buchanan were then dropped and he was released from custody. Indeed, the advent of DNA testing reduces the likelihood that innocent people will be convicted of crimes.

Some who oppose the death penalty argue we cannot trust our criminal justice system and cite examples, all from other states, where those charged with capital murder did not receive adequate defenses or otherwise did not receive a fair trial. This is not true of New Hampshire. New Hampshire has an excellent public defender program and our criminal defense bar is among the best in the country. I have the highest confidence in New Hampshire's criminal justice system and so should every New Hampshire citizen.

Our statute is designed to make the carrying out of the death penalty extraordinarily difficult. Under New Hampshire law, a jury of twelve first must unanimously find beyond a reasonable doubt that the accused committed every element of the charged offense. Then, in a separate sentencing phase, the jury must also unanimously find beyond a reasonable doubt that at least two "aggravating" factors exist, and that the aggravating factors outweigh any "mitigating" factors that may exist. Moreover, our law requires the judge to instruct the jury that regardless of its findings with respect to aggravating and mitigating factors, the jury does not have to impose a death sentence. In any case where the death penalty is imposed, both the conviction and death sentence is subject to an automatic and prompt review by the New Hampshire Supreme Court.

I have listened to the arguments of supporters of this bill. I have read the thoughtful correspondence and materials I have received from both supporters and opponents of this bill, and I have considered the arguments on both sides of this issue with great care. I am respectful of the very sincerely held beliefs of those who oppose the death penalty. But it falls within my duty as governor to act on this legislation based on what I believe is in the best interests of the people of this state, and to the best of my ability, I have done so. I believe our capital murder statute should remain the law in New Hampshire.

Jeanne Shaheen, Governor

motion to lay on the table

Reps. Sargent and Weatherspoon moved that the Governor's Veto Message on **HB 1548**, abolishing the death penalty, be laid on the table.

Rep. MacGillivray requested a roll call; sufficiently seconded.

YEAS 134 NAYS 203

YEAS 134

BELKNAP

Holbrook, Robert	Millham, Alida	Salatiello, Thomas	Wood, Jane
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CARROLL

Bradley, Jeb	Mock, Henry
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CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Zerba, Roger		

COOS

Landers, Dana	Mears, Edgar	Rodrigue, Robert
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GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Hall, David
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Phinney, William
Solow, Martha			

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Drabinowicz, A Theresa
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Hall, Betty	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	McColgan, Philip Jr	Moran, Edward
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve	White, John

MERRIMACK

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Fortnam, Janet
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French, Barbara	Gile, Mary	Hager, Elizabeth	Langer, Ray
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn	Clark, Martha
Dunham, Vivian	Hutchinson, Rebecca	Kane, Cecelia	Langley, Jane
Major, Norman	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Sabella, Norma
Splaine, James	Stone, Joseph	Weatherspoon, Jackie	

STRAFFORD

Brennan, William	Brown, George	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Grassie, Anne	Heon, Richard	Kaen, Naida
Keans, Sandra	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Phinzy, James	Robb-Theroux, Amy
Wiggins, Celestine			

NAYS 203

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
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Lyman, L Randy
Torressen, Gary

Patten, Betsey

Philbrick, Donald

Sullivan, P Judith

CHESHIRE

Hunt, John

Lynott, Margaret

Manning, Joseph

Roberts, William

Robertson, Timothy

Rose, William

Royce, H Charles

Russell, Ronald

Smith, Edwin

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph

Alger, John

Brothers, Richard

Cobb, John

Densmore, Jessica

Dudley, Terri

Eaton, Stephanie

Gilman, G Michael

Ham, Bonnie

Harmon, Hobart

Hinman, Harry

Marshall, Gene

Scanlan, David

Ward, Brien

Weber, Phil

HILLSBOROUGH

Alukonis, David

Andrews, Frederick

Arnold, Thomas Jr

Batula, Peter

Beaupre, Roland

Belvin, William

Bergin, Peter

Brundige, Robert

Bruno, Pierre

Christiansen, Lars

Clegg, Robert Jr

Clemons, Jane

Cote, David

Coughlin, Pamela

Curran, James

Dalianis, Griffin

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Dokmo, Cynthia

Durham, Susan

Dwyer, Paul Sr

Dyer, Merton

Fenton, James

Fletcher, Richard

Flora, Kathleen

Gorman, Mary

Goulet, Maurice

Haley, Robert

Hansen, Herbert

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

L'Heureux, Robert

LaRose, Richard

Leishman, Peter

Lozeau, Donnalee

MacGillivray, Jeffrey

McCarty, Winston

McDonald, James Sr

McDonough-Wallace,
Alice

McGough, Tim

McRae, Karen

Melcher, Harold

Mendenhall, Leslie

Mercer, Robert

Messier, Irene

Milligan, Robert

Mosher, William

O'Connell, Timothy

O'Hearn, Jane

Ouellette, Dean

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Simon, Anthony

Thulander, O Alan

Wall, Nancy

White, Donald

MERRIMACK

Anderson, Eric

Asplund, Bronwyn

Brewster, Richard

Davis, Francis

Feuerstein, Martin

Fraser, Marilyn

Hess, David

Jacobson, Alf

Kennedy, Richard

Larrabee, David Sr

Lavoie, Gerard

Leber, William

Lockwood, Priscilla

Marple, Richard

Marshall, Kenneth

Maxfield, Roy

Nichols, Avis

Poulin, Dave

Soltani, Tony

St Cyr, Gerard

Whalley, Michael

Whittemore, James

ROCKINGHAM

Abbott, Dennis

Arndt, Janet

Belanger, Ronald

Case, Margaret

Cox, Russell

Dalrymple, Janeen

DiFruscia, Anthony

Dowling, Patricia

Downing, Michael

Fesh, Robert

Flanagan, Natalie

Flanders, David

Flanders, John Sr

Francoeur, Sheila

Gleason, John

Grant, Kenneth

Griffin, Mary

Hamel, Albert

Henderson, Warren

Johnson, Robert

Katsakiores, Phyllis

Kelley, William

Kobel, Rudolph

Langone, John

Letourneau, Robert

McKinney, Betsy

Moore, Benjamin

Morse, Charles

Nowe, Mary Lou

Nowe, Ronald

Packard, Sherman

Priestley, Anne

Quandt, Marshall

Rabideau, Marie

Raynowska, Bernard

Rubin, George

Ruffner, Walter

Sapareto, Frank

Shelton, Richard

Stickney, Nancy

Stritch, C Donald

Tufts, J Arthur

Varrell, Thomas

Vaughn, Charles

Verani, Giovanni

Weare, Everett

Welch, David

Whittier, John

Zolla, William

STRAFFORD

Berube, Roger

Bickford, David

Brown, Julie

Callaghan, Frank

Cossette, Larry

Dunlap, Patricia

Gilmore, Gary

Johnson, Nancy

Knowles, William

Lundborn, Raymond

McKinley, Robert

Musler, George

Rollo, Michael

Torr, Franklin

Vincent, Francis

Woods, Phyllis

SULLIVAN

Kibbey, David

Leone, Richard

Young, David

and the motion failed.

The question now being, notwithstanding the Governor's veto, shall **HB 1548**, abolishing the death penalty, become law?

Reps. Weatherspoon, Sargent and Naida Kaen spoke in favor.

Rep. Pitts requested a Quorum Count. The Speaker declared a quorum present.

Reps. Pitts, Rowe, Vaillancourt and DiFruscia spoke in favor.

Rep. Loren Jean spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

YEAS 194 NAYS 148

YEAS 194

BELKNAP

Boriso, Thomas	Millham, Alida	Pilliod, James	Russell, David
Salatiello, Thomas	Wood, Jane		

CARROLL

Bradley, Jeb	Lyman, L Randy
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CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Zerba, Roger

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Landers, Dana
Mears, Edgar	Rodrigue, Robert		

GRAFTON

Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
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Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Solow, Martha

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Bergin, Peter	Carlson, Donald	Clemons, Jane	Cote, David
Craig, James	Curran, James	Daniels, Gary	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Flora, Kathleen	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary
Haley, Robert	Hall, Betty	Hansen, Herbert	Hunter, Bruce
Jean, Claudette	Jean, Loren	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	McCarty, Winston	McColgan, Philip Jr
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
O'Hearn, Jane	Ouellette, Dean	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Turgeon, Roland	Vaillancourt, Steve	White, Donald
White, John			

MERRIMACK

Asplund, Bronwyn	Bouchard, Candace	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lockwood, Priscilla	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Christie, Andrew Jr	Clark, Martha	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie

Gleason, John	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis
Kelley, William	Langley, Jane	Major, Norman	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Rabideau, Marie
Rubin, George	Ruffner, Walter	Sabella, Norma	Shelton, Richard
Splaine, James	Stickney, Nancy	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Kibbey, David	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

NAYS 148

BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen
Rose, William

Hunt, John
Royce, H Charles

Lerandean, Alfred
Russell, Ronald

Roberts, William
Smith, Edwin

COOS

Guay, Lawrence
Woodward, David

Merrill, Gerald

Pratt, Leighton

Tholl, John Jr

GRAFTON

Alger, John
Harmon, Hobart
Phinney, William

Cobb, John
Hinman, Harry
Scanlan, David

Gilman, G Michael
Marshall, Gene
Ward, Brien

Hall, David
Mirski, Paul
Weber, Phil

HILLSBOROUGH

Alukonis, David
Belvin, William
Buckley, Raymond
Cote, Peter
Dawe, Eileen
Fletcher, Richard
Goulet, Maurice
Lozeau, Donnalee
Melcher, Harold
Reeves, Sandra

Andrews, Frederick
Bergeron, Lucien
Calawa, Leon Jr
Coughlin, Pamela
Desmarais, Vivian
Foster, Linda
Holley, Sylvia
MacGillivray, Jeffrey
Mosher, William
Simon, Anthony

Batula, Peter
Brundige, Robert
Christiansen, Lars
Daigle, Robert
Dwyer, Paul Sr
Franks, Suzan
L'Heureux, Robert
McDonald, James Sr
Murphy, Robert
Thulander, O Alan

Beaupre, Roland
Bruno, Pierre
Clegg, Robert Jr
Dalianis, Griffin
Fenton, James
Goley, Jeffrey
Lefebvre, Roland
McGough, Tim
O'Connell, Timothy
Wall, Nancy

MERRIMACK

Anderson, Eric
Langer, Ray
Marple, Richard
Soltani, Tony

Brewster, Richard
Larrabee, David Sr
Marshall, Kenneth
Whalley, Michael

Hess, David
Lavoie, Gerard
Maxfield, Roy
Whittemore, James

Kennedy, Richard
Leber, William
Poulin, Dave

ROCKINGHAM

Arndt, Janet
Dunham, Vivian
Grant, Kenneth

Beaulieu, Jon
Flanders, David
Griffin, Mary

Cox, Russell
Flanders, John Sr
Hamel, Albert

Downing, Michael
Francoeur, Sheila
Henderson, Warren

Hutchinson, Karen	Johnson, Robert	Kobel, Rudolph	Langone, John
Letourneau, Robert	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	Pantelakos, Laura
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Sapareto, Frank	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Whittier, John	

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Cossette, Larry
Domingo, Baldwin	Knowles, William	Lundborn, Raymond	McKinley, Robert
Rollo, Michael	Taylor, Kathleen	Vincent, Francis	

SULLIVAN

Jones, Constance	Leone, Richard	Young, David
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and the veto was sustained, lacking the necessary two-thirds.

Rep. Pepino voted Yea and intended to vote Nay.

GOVERNOR'S VETO MESSAGE ON HB 1406

May 23, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1406.

I am vetoing this legislation because its provisions have been superceded by S.B. 472, and, thus are superfluous and unnecessary.

H.B. 1406 was designed to establish the legislative policy around the use of transition service during the initial years of competition in the territory served by Public Service Company of New Hampshire. I concur with the legislature's intent as expressed in this legislation to avoid the creation of cost deferrals through the pricing of transition service, and this issue has been addressed within the provisions of S.B. 472.

I have conferred with the primary sponsor of H.B. 1406 and he has advised me that he supports the vetoing of H.B. 1406.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall ***HB 1406***, relative to transition service, become law?

Rep. Bradley spoke against.

As required by the State Constitution, a roll call was taken.

YEAS 19 NAYS 323

YEAS 19

BELKNAP

Rosen, Ralph

CARROLL

Sullivan, P Judith

CHESHIRE

Lynott, Margaret

COOS

None

GRAFTON

Weber, Phil

HILLSBOROUGH

Batula, Peter

Bruno, Pierre

Daniels, Gary

L'Heureux, Robert

Leonard, Peter

Melcher, Harold

Messier, Irene

Ouellette, Dean

MERRIMACK

Kennedy, Richard

Soltani, Tony

ROCKINGHAM

Noyes, Richard

Vaughn, Charles

STRAFFORD

DeChane, Marlene

Gilmore, Gary

Vincent, Francis

SULLIVAN

None

NAYS 323

BELKNAP

Bartlett, Gordon

Boriso, Thomas

Boyce, Robert

Czech, Stanley

Holbrook, Robert

Johnson, James

Millham, Alida

Pilliod, James

Rice, Thomas

Russell, David

Salatiello, Thomas

Thomas, John

Turner, Robert

Wendelboe, Francine

Wood, Jane

CARROLL

Babson, David Jr

Bradley, Jeb

Chandler, Gene

Dickinson, Howard

Howard, Godfrey

Lyman, L Randy

Mock, Henry

Patten, Betsey

Philbrick, Donald

Torressen, Gary

CHESHIRE

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Doucette, Richard

Hunt, John

Lerandeau, Alfred

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Roberts, William

Robertson, Timothy

Rose, William

Royce, H Charles

Russell, Ronald

Smith, Edwin

Zerba, Roger

COOS

Davis, Perley

Gallus, John

Guay, Lawrence

Horton, Lynn

Landers, Dana

Mears, Edgar

Merrill, Gerald

Pratt, Leighton

Rodrigue, Robert

Tholl, John Jr

Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Ward, Brien	

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Fenton, James	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haley, Robert	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Mendenhall, Leslie	Mercer, Robert	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John			

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Rubin, George
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Splaine, James	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
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Brown, Julie	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	McKinley, Robert	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine
Young, David			

and the veto was sustained, lacking the necessary two-thirds.

Reps. Batula, L'Heureux and Rosen voted Yea and intended to vote Nay.

GOVERNOR'S VETO MESSAGE ON HB 405-FN

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to

Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed

House Bill 405, an Act relative to the annual funding of placement costs for juvenile diversion and alternate disposition programs and relative to an effectiveness study of such programs.

If enacted, this legislation would increase state general fund expenditures by \$108,452 beginning July 1, 2001, gradually increasing in cost to \$124,546 in FY 2004. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. The cost of HB 405, when considered in conjunction with other legislation passed by the House and Senate that increase expenditures or reduce revenues, is unacceptable. In addition, like other bills I have vetoed, this bill leaves the tough decision of figuring out how to pay for its costs to a future legislature.

While I commend the motivation and hard work of the bill's sponsors, and recognize the concerns HB 405 is intended to address, the bill is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. HB 405 was pending in the legislature last year when the House and Senate passed the

biennial operating budget. If the legislature believes this increase in funding for juvenile placement costs is a priority, HB 405 should have been passed last year and its cost accounted for in the biennial budget.

It should be noted that HB 405 includes the creation of a study to quantify the effectiveness of juvenile diversion and alternate disposition programs. It would make more sense to first determine which programs are the most effective before allocating to them additional state resources.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential public services. HB 405 must be considered in the context of our overall budget constraints. While I regret having to do so, I must veto HB 405.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 405**, relative to the annual funding of placement costs for juvenile diversion and alternate disposition programs and relative to an effectiveness study of such programs, become law?

As required by the State Constitution, a roll call was taken.

YEAS 161 NAYS 181

YEAS 161

BELKNAP

Millham, Alida	Pilliod, James	Rosen, Ralph	Russell, David
Salatiello, Thomas	Turner, Robert	Wood, Jane	

CARROLL

Howard, Godfrey	Lyman, L Randy	Mock, Henry
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CHESHIRE

Avery, Stephen	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Mitchell, McKim	Pratt, Irene	Pratt, John
Riley, William	Roberts, William	Robertson, Timothy	Russell, Ronald

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
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Landers, Dana
Woodward, David

Mears, Edgar

Pratt, Leighton

Tholl, John Jr

GRAFTON

Almy, Susan
Eaton, Stephanie
Hinman, Harry
Scanlan, David

Brothers, Richard
Guest, Robert
Johnson, Gary
Solow, Martha

Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon

Dudley, Terri
Harmon, Hobart
Phinney, William

HILLSBOROUGH

Ahern, Richard
Batula, Peter
Clegg, Robert Jr
Daigle, Robert
Drabinowicz, A Theresa
Garrish, Linda
Leonard, Peter

McGough, Tim
Reidy, Frank
White, John

Alukonis, David
Bergin, Peter
Clemons, Jane
Dalianis, Griffin
Durham, Susan
Ginsburg, Ruth
MacGillivray, Jeffrey

Mendenhall, Leslie
Sarette, John

Arnold, Thomas Jr
Carlson, Donald
Cote, Peter
Desrosiers, William
Flora, Kathleen
Gorman, Mary
McColgan, Philip Jr

Messier, Irene
Tate, Joan

Arthur, Rose
Christiansen, Lars
Curran, James
Dokmo, Cynthia
Foster, Linda
Leishman, Peter
McDonough-Wallace,
Alice

Moran, Edward
Wall, Nancy

MERRIMACK

Asplund, Bronwyn
Davis, Francis
French, Barbara
Leber, William
Moore, Carol
Seldin, Gloria
Wallner, Mary Jane

Brewster, Richard
Feuerstein, Martin
Gile, Mary
Lockwood, Priscilla
Owen, Derek
St Cyr, Gerard
Yeaton, Charles

Crosby, Toni
Fortnam, Janet
Jacobson, Alf
Marshall, Kenneth
Potter, Frances
Virtue, Carolyn

Daneault, Gabriel
Fraser, Marilyn
Larrabee, David Sr
Maxfield, Roy
Rosenfield, Jay
Wallin, Jean

ROCKINGHAM

Arndt, Janet
Cox, Russell

Bishop, Franklin
DiFruscia, Anthony

Case, Margaret
Dowling, Patricia

Christie, Andrew Jr
Flanders, David

Francoeur, Sheila	Gleason, John	Hamel, Albert	Hutchinson, Rebecca
Johnson, Robert	Langley, Jane	Major, Norman	Norelli, Terie
Noyes, Richard	Priestley, Anne	Rabideau, Marie	Ruffner, Walter
Sapareto, Frank	Splaine, James	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Whittier, John	Zolla, William	

STRAFFORD

Bickford, David	Brennan, William	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair			

SULLIVAN

Allison, David	Donovan, Thomas Jr	Flint, Gordon Sr	Phinizy, James
Tuthill, John			

NAYS 181

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Rice, Thomas	Thomas, John
Wendelboe, Francine			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Batchelder, Robert	Lerandeau, Alfred	Meador, David	Richardson, Barbara
Rose, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

COOS

Merrill, Gerald

Rodrigue, Robert

GRAFTON

Akins, Ralph

Alger, John

Cobb, John

Densmore, Jessica

Gilman, G Michael

Hall, David

Marshall, Gene

Mirski, Paul

Ward, Brien

Weber, Phil

HILLSBOROUGH

Andrews, Frederick

Baroody, Benjamin

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Brundige, Robert

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Cote, David

Coughlin, Pamela

Craig, James

Daniels, Gary

Dawe, Eileen

Desmarais, Vivian

Dwyer, Paul Sr

Dyer, Merton

Fenton, James

Fletcher, Richard

Franks, Suzan

Goley, Jeffrey

Goulet, Maurice

Haley, Robert

Hall, Betty

Hansen, Herbert

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

Jean, Loren

Johnson, Lionel

Keye, Harvey

Konys, Christine

L'Heureux, Robert

LaPorte, George

LaRose, Richard

Lasky, Bette

Lefebvre, Roland

Lozeau, Donnalee

McCarty, Winston

McDonald, James Sr

McRae, Karen

Melcher, Harold

Mercer, Robert

Milligan, Robert

Moriarty, Mary

Mosher, William

Murphy, Robert

O'Connell, Timothy

O'Hearn, Jane

Ouellette, Dean

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Simon, Anthony

Thulander, O Alan

Turgeon, Roland

Vaillancourt, Steve

White, Donald

MERRIMACK

Anderson, Eric

Bouchard, Candace

Hager, Elizabeth

Hess, David

Kennedy, Richard

Langer, Ray

Lavoie, Gerard

Marple, Richard

Nichols, Avis

Poulin, Dave

Reardon, Tara

Rodd, Beth

Soltani, Tony

Whalley, Michael

Whittemore, James

ROCKINGHAM

Abbott, Dennis

Beaulieu, Jon

Belanger, Ronald

Blanchard, MaryAnn

Clark, Martha

Dalrymple, Janeen

Downing, Michael

Dunham, Vivian

Fesh, Robert

Flanagan, Natalie

Flanders, John Sr

Grant, Kenneth

Griffin, Mary	Henderson, Warren	Hutchinson, Karen	Kane, Cecelia
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Rubin, George	Sabella, Norma	Shelton, Richard
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Verani, Giovanni	Weatherspoon, Jackie	Welch, David	

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
Domingo, Baldwin	Heon, Richard	Kaen, Naida	Lundborn, Raymond
McKinley, Robert	Musler, George	Rollo, Michael	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Jones, Constance	Kibbey, David
Leone, Richard	Robb-Theroux, Amy	Wiggins, Celestine	Young, David

and the veto was sustained, lacking the necessary two-thirds.

Rep. Richardson voted Nay and intended to vote Yea.

(Rep. Lozeau in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 542-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 542, an Act repealing the legacies and succession tax.

If enacted, this legislation would reduce state general fund revenues by approximately \$25 million the first year it is in effect, the fiscal year beginning July 1, 2001, and then almost \$38 million each year thereafter. Like HB 235, which would have increased exemptions under the State's interest and dividends tax and which I vetoed two weeks ago, this legislation, too, fails to provide a way to pay for its cost.

The annual cost of H.B. 542, about \$38 million, is more than five times the amount spent on home based care programs for the elderly that allow our seniors to remain in their own homes longer and maintain their quality of life. It is nearly four times the amount spent on childcare services which help single parents find good care for their children as they make the sometimes difficult transition from welfare to work. It also is nearly two-thirds the amount we spend on direct care services for citizens with developmental disabilities.

Under New Hampshire law the transfer of wealth at death is subject to state taxation at the rate of 18 percent, with certain exceptions: transfers to spouses, lineal descendants, municipalities, or charitable organizations; and the transfer of a homestead to a sibling who resides in the homestead. Proponents of H.B. 542 persuasively argue that this tax is unfair to those who do not have spouses or lineal descendants to whom they can leave their assets. However, all legislation that costs money must be considered in the context of the state's fiscal situation. It is irresponsible to focus only on the merits of a bill in isolation and not consider its impacts on the state's overall budget picture.

H.B. 542 was pending in the legislature last year when the House and Senate passed the biennial operating budget. The legislature could have made the choice to absorb the cost of paying for H.B. 542 at that time by either cutting state services or increasing another revenue source. The legislature chose not to do so.

The legislature considered and rejected a number of other ways to pay for the cost of this legislation. The legislature rejected the idea of reforming the estate and legacy tax by lowering the rate and applying it to all transfers of wealth. The legislature rejected the idea of paying for H.B. 542 by allowing video lottery at our four racetracks and two grand hotels. It rejected the idea of making the effective date of the repeal contingent on the enactment of a replacement revenue source. It even rejected the idea of phasing in the repeal of this tax over a number of years. All of these options for paying for the cost of this legislation were found unpalatable for one reason or another by the legislature.

Instead, this year the legislature simply amended the bill to put off its effective date until July 1, 2001. It is not an acceptable solution to put off the effective date so that another legislature will have to deal with filling the large revenue gap this bill creates.

On the very day H.B. 542 passed, members of one body conducted a briefing on the state's fiscal status. This same body then turned around and passed H.B. 542 with complete disregard for its fiscal impact.

Casting a vote to repeal a tax is an easy and a politically popular thing to do in an election year. But I believe the governor and the legislature are elected to make hard choices.

If the legislature is unwilling to practice fiscal discipline, I must and I will. While I regret having to veto H.B. 542, I cannot in good conscience approve a bill with this magnitude of fiscal impact.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 542**, repealing the legacies and succession tax, become law?

Rep. Murphy spoke in favor.

Rep. McGuirk spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

YEAS 278 NAYS 63

YEAS 278

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Johnson, James
Millham, Alida	Pilliod, James	Rice, Thomas	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane

CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Rose, William	Zerba, Roger		

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert			

GRAFTON

Almy, Susan	Brothers, Richard	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Nordgren, Sharon	Phinney, William	Scanlan, David	Solow, Martha
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Fenton, James	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary
Goulet, Maurice	Hall, Betty	Hansen, Herbert	Hunter, Bruce
Jean, Claudette	Jean, Loren	Konys, Christine	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	MacGillivray, Jeffrey	McColgan, Philip Jr	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pepino, Leo	Reeves, Sandra	Reidy, Frank	Sarette, John
Sargent, Maxwell	Tate, Joan	Vaillancourt, Steve	Wall, Nancy
White, Donald	White, John		

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crosby, Toni	Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Clark, Martha	Cox, Russell
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Shelton, Richard	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Lent, Donald	McKinley, Robert
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Wall, Janet	Woods, Phyllis

SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	Young, David

BELKNAP

Boyce, Robert	Holbrook, Robert	Rosen, Ralph	Wendelboe, Francine
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CARROLL

Bradley, Jeb	Chandler, Gene
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CHESHIRE

Hunt, John	Lerandean, Alfred	Roberts, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		

COOS

Tholl, John Jr	Woodward, David
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GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Ham, Bonnie
Harmon, Hobart	Marshall, Gene		

HILLSBOROUGH

Ahern, Richard	Beaupre, Roland	Belvin, William	Buckley, Raymond
Calawa, Leon Jr	Clemons, Jane	Dwyer, Paul Sr	Goley, Jeffrey
Haley, Robert	Johnson, Lionel	Keye, Harvey	Lefebvre, Roland
McCarty, Winston	McDonald, James Sr	Mercer, Robert	Moriarty, Mary
Peterson, Andrew	Rowe, Robert	Simon, Anthony	Thulander, O Alan
Turgeon, Roland			

MERRIMACK

Davis, Francis	Hess, David	Kennedy, Richard	Leber, William
Nichols, Avis	Whalley, Michael		

ROCKINGHAM

Beaulieu, Jon	Blanchard, MaryAnn	Dunham, Vivian	Fesh, Robert
Flanders, David	Pantelakos, Laura	Sytek, Donna	Vaughn, Charles

STRAFFORD

Brown, George

Heon, Richard

Keans, Sandra

Knowles, William

Lundborn, Raymond

Vachon, Dennis

Vincent, Francis

SULLIVAN

Burling, Peter

and the veto was overridden by the necessary two-thirds.

(Speaker Sytek in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 1251

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed HB 1251, relative to driver education training reimbursement.

If enacted, HB 1251 would increase state expenditures by \$600,000 in fiscal year beginning July 1, 2001 and each year thereafter. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. This cost, when considered in conjunction with other legislation passed by the House and Senate that increase expenditures or decrease revenues, is unacceptable.

While I appreciate the intent of this legislation, if enacted it would be funded through monies that would ordinarily lapse to the general fund. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

HB 1251 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process without identifying offsetting budget cuts or revenue increases to cover the budget impacts. If the legislature believes that providing reimbursement to driver education students attending private training courses is a priority, the \$600,000 in annual costs must be offset by either cutting state services or increasing another revenue source.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have to fund our schools and provide other essential services. HB 1251 must be considered in the context of the state's overall budget constraints. While I regret having to do so, I must veto HB 1251.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1251**, relative to driver education training reimbursement, become law?

As required by the State Constitution, a roll call was taken.

YEAS 132 NAYS 209

YEAS 132

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Millham, Alida
Pilliod, James	Rice, Thomas	Russell, David	Turner, Robert
Wendelboe, Francine			

CARROLL

Dickinson, Howard	Howard, Godfrey	Lyman, L Randy	Mock, Henry
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CHESHIRE

Avery, Stephen	Lynott, Margaret	Manning, Joseph	Pratt, John
Richardson, Barbara	Riley, William		

COOS

Gallus, John	Horton, Lynn	Landers, Dana	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Almy, Susan	Densmore, Jessica	Eaton, Stephanie	Guest, Robert
Hall, David	Johnson, Gary	Phinney, William	Scanlan, David
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Bruno, Pierre	Carlson, Donald	Clegg, Robert Jr
Curran, James	Dalianis, Griffin	Dawe, Eileen	Drabinowicz, A Theresa
Flora, Kathleen	Garrish, Linda	Gorman, Mary	Goulet, Maurice
Hall, Betty	Hunter, Bruce	Jean, Claudette	L'Heureux, Robert
Leonard, Peter	MacGillivray, Jeffrey	McCarty, Winston	McGough, Tim
Mendenhall, Leslie	Messier, Irene	Ouellette, Dean	Reidy, Frank

MERRIMACK

Asplund, Bronwyn	Crosby, Toni	Feuerstein, Martin	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Larrabee, David Sr
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Case, Margaret	Dalrymple, Janeen
Dowling, Patricia	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Gleason, John	Hamel, Albert	Henderson, Warren	Johnson, Robert
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Letourneau, Robert
Major, Norman	Norelli, Terie	Noyes, Richard	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles	Verani, Giovanni
Welch, David	Whittier, John		

STRAFFORD

Cossette, Larry	Dunlap, Patricia	Gilmore, Gary	Keans, Sandra
McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph

SULLIVAN

Donovan, Thomas Jr	Flint, Gordon Sr	Jones, Constance	Leone, Richard
Phinizy, James	Wiggins, Celestine		

NAYS 209

BELKNAP

Boyce, Robert	Holbrook, Robert	Johnson, James	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Meador, David
Mitchell, McKim	Pratt, Irene	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

COOS

Davis, Perley	Guay, Lawrence	Mears, Edgar
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GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Gilman, G Michael	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Christiansen, Lars	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Fenton, James
Fletcher, Richard	Foster, Linda	Franks, Suzan	Ginsburg, Ruth
Goley, Jeffrey	Haley, Robert	Hansen, Herbert	Holley, Sylvia
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland

Leishman, Peter	Lozeau, Donnalee	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Hager, Elizabeth	Hess, David
Kennedy, Richard	Langer, Ray	Lavoie, Gerard	Marple, Richard
Nichols, Avis	Poulin, Dave	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Soltani, Tony		

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Christie, Andrew Jr	Clark, Martha	Cox, Russell	DiFruscia, Anthony
Downing, Michael	Dunham, Vivian	Fesh, Robert	Francoeur, Sheila
Grant, Kenneth	Griffin, Mary	Hutchinson, Karen	Hutchinson, Rebecca
Kane, Cecelia	Kelley, William	Langone, John	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Rubin, George	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Shelton, Richard	Splaine, James	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Weare, Everett	Weatherspoon, Jackie	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Lundborn, Raymond

Musler, George
Vincent, Francis

Smith, Marjorie
Wall, Janet

Snyder, Clair
Woods, Phyllis

Vachon, Dennis

SULLIVAN

Allison, David
Robb-Theroux, Amy

Burling, Peter
Tuthill, John

Cloutier, John
Young, David

Kibbey, David

and the veto was sustained, lacking the necessary two-thirds.

GOVERNOR'S VETO MESSAGE ON HB 1343-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1343, an Act appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

If enacted, this legislation would transfer \$20,000 in unused FY 2000 funds from state environmental grant payments to municipalities for this research effort. While I do not disagree with the intent of the bill and the interest of its sponsors in supporting additional research on the impacts of applying sludge at reclamation sites, I do disagree with the manner in which these funds are being appropriated for this purpose.

Like other bills I have vetoed this session, HB 1343 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. These bills exacerbate the financial concerns we face. If the legislature believes that funding for this research effort is a priority, this \$20,000 should have been included in the biennial budget and its costs accounted for during the budget process.

This legislation, if enacted, would be funded through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 1343 must be considered in the context of our overall budget constraints. With regret, I must veto HB 1343.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall ***HB 1343***, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied, become law?

Reps. Betty Hall and Bruno spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

YEAS 275 NAYS 63

YEAS 275

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Millham, Alida	Pilliod, James	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Roberts, William
Robertson, Timothy	Royce, H Charles	Russell, Ronald	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Ward, Brien	Weber, Phil

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Fenton, James
Flora, Kathleen	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haley, Robert	Hall, Betty
Hansen, Herbert	Hunter, Bruce	Jean, Claudette	Jean, Loren
Konys, Christine	L'Heureux, Robert	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Peterson, Andrew	Rowe, Robert	Sarette, John	Tate, Joan
Thulander, O Alan	White, John		

MERRIMACK

Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave

Rodd, Beth
Virtue, Carolyn
Yeaton, Charles

Rosenfield, Jay
Wallin, Jean

Seldin, Gloria
Wallner, Mary Jane

Soltani, Tony
Whalley, Michael

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Clark, Martha
Dowling, Patricia
Flanagan, Natalie
Gleason, John
Henderson, Warren
Kane, Cecelia
Langone, John
Moore, Benjamin
O'Neil, Michael
Putnam, Ed II
Ruffner, Walter
Splaine, James
Tufts, J Arthur
Weare, Everett

Arndt, Janet
Blanchard, MaryAnn
Cox, Russell
Downing, Michael
Flanders, David
Grant, Kenneth
Hutchinson, Karen
Katsakiores, Phyllis
Letourneau, Robert
Norelli, Terie
Packard, Sherman
Quandt, Marshall
Sabella, Norma
Stickney, Nancy
Varrell, Thomas
Welch, David

Beaulieu, Jon
Case, Margaret
Dalrymple, Janeen
Dunham, Vivian
Flanders, John Sr
Griffin, Mary
Hutchinson, Rebecca
Kobel, Rudolph
Major, Norman
Nowe, Mary Lou
Pitts, Jacqueline
Rabideau, Marie
Sapareto, Frank
Stone, Joseph
Vaughn, Charles
Whittier, John

Belanger, Ronald
Christie, Andrew Jr
DiFruscia, Anthony
Fesh, Robert
Francoeur, Sheila
Hamel, Albert
Johnson, Robert
Langley, Jane
McKinney, Betsy
Noyes, Richard
Priestley, Anne
Raynowska, Bernard
Shelton, Richard
Stritch, C Donald
Verani, Giovanni
Zolla, William

STRAFFORD

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Lent, Donald
Pelletier, Marsha
Snyder, Clair
Wall, Janet

Brennan, William
Estabrook, Iris
Kaen, Naida
McKinley, Robert
Rogers, Rose Marie
Torr, Franklin
Woods, Phyllis

Cossette, Larry
Gilmore, Gary
Keans, Sandra
Musler, George
Rollo, Michael
Twardus, Joseph

Domingo, Baldwin
Heon, Richard
Knowles, William
Pelletier, Arthur
Smith, Marjorie
Vachon, Dennis

SULLIVAN

Allison, David
Flint, Gordon Sr

Burling, Peter
Jones, Constance

Cloutier, John
Leone, Richard

Donovan, Thomas Jr
Robb-Theroux, Amy

Wiggins, Celestine

Young, David

NAYS 63

BELKNAP

Johnson, James

Rice, Thomas

Rosen, Ralph

CARROLL

Mock, Henry

Torressen, Gary

CHESHIRE

Lerandeau, Alfred

Rose, William

Smith, Edwin

Zerba, Roger

COOS

None

GRAFTON

None

HILLSBOROUGH

Ahern, Richard

Baroody, Benjamin

Beaupre, Roland

Buckley, Raymond

Christiansen, Lars

Clemons, Jane

Craig, James

Daigle, Robert

Desmarais, Vivian

Desrosiers, William

Dwyer, Paul Sr

Dyer, Merton

Fletcher, Richard

Goley, Jeffrey

Goulet, Maurice

Holley, Sylvia

Johnson, Lionel

LaRose, Richard

Lefebvre, Roland

Mercer, Robert

Moriarty, Mary

Pepino, Leo

Reeves, Sandra

Reidy, Frank

Simon, Anthony

Turgeon, Roland

Vaillancourt, Steve

Wall, Nancy

White, Donald

MERRIMACK

Anderson, Eric

Hess, David

Kennedy, Richard

Langer, Ray

Nichols, Avis

Reardon, Tara

St Cyr, Gerard

Whittemore, James

ROCKINGHAM

Kelley, William	Morse, Charles	Nowe, Ronald	Pantelakos, Laura
Rubin, George			

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Grassie, Anne	Lundborn, Raymond	Taylor, Kathleen
Vincent, Francis			

SULLIVAN

Kibbey, David	Phinizy, James	Tuthill, John
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and the veto was overridden by the necessary two-thirds.

GOVERNOR'S VETO MESSAGE ON HB 628

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 628, an Act relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough County and in a central location within Coos, Grafton, Carroll, and Belknap counties.

While I commend the supporters of HB 628 for their efforts to address the complicated problem of juveniles who are at risk, after careful consideration I must veto this legislation.

HB 628 does not clearly establish who is responsible for the costs of operating the regional youth center program. And because the bill was not heard in either the House or Senate Finance Committee these questions about ongoing financial obligations were not resolved.

In addition, HB 628 fails to establish clear administrative responsibility for running the new program. The bill proposes to share responsibilities between several state and local agencies, but fails to lay out an organizational structure for implementing the program. Potential conflicts, including litigation, may arise because the lines of authority are not clearly established in law.

I am also concerned about whether this is the best course of action for addressing juvenile services. While the youth center program is one possible way, HB 628 sets the state on a course that may not be consistent with other initiatives and potential methods for addressing these juvenile service

needs. While HB 628 would create a "pilot" operating program, in fact the bill will lead to the construction of new permanent buildings at an estimated cost of up to \$10 million, including \$1 million in state funds. If the "pilot" program is deemed a failure and another use must be identified for these facilities, the state will be faced with the always extremely difficult problem of figuring out a new use for state-owned buildings located in our cities and towns.

I today signed into law HB 1463, a provision of which establishes a Department of Youth Development Services advisory board. This board's charge is to make recommendations relative to the programs and services provided to children referred to the Department as delinquent under RSA 169-B. Creation of this advisory board is one step that will enhance our ability to look at the spectrum of services provided to juveniles and assess how best these juveniles can be served.

Before we commit the state to any program with potentially significant implementation and operating costs, we must make sure such programs fit within an integrated plan for the delivery of services to juveniles.

Given the legislative history of this bill, in which the opportunity for public input was limited, there is need for further scrutiny of the means and ends of the proposed pilot program.

For these reasons, I have vetoed HB 628.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 628**, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough County and in a central location within Coos, Grafton, Carroll, and Belknap counties, become law?

Rep. Wallin spoke against.

Rep. Lozeau spoke in favor.

As required by the State Constitution, a roll call was taken.

YEAS 132 NAYS 207

YEAS 132

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Lyman, L Randy
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Mock, Henry	Patten, Betsey	Philbrick, Donald
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CHESHIRE

Hunt, John	Manning, Joseph	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Royce, H Charles	Smith, Edwin

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Marshall, Gene	Scanlan, David	Ward, Brien	

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Bergin, Peter
Brundige, Robert	Carlson, Donald	Clegg, Robert Jr	Craig, James
Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia	Durham, Susan
Flora, Kathleen	Ginsburg, Ruth	Goulet, Maurice	Hansen, Herbert
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston	McColgan, Philip Jr
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	O'Hearn, Jane	Peterson, Andrew
Rowe, Robert	Tate, Joan		

MERRIMACK

Asplund, Bronwyn	Davis, Francis	Feuerstein, Martin	Gile, Mary
Hess, David	Larrabee, David Sr	Leber, William	Marshall, Kenneth
Nichols, Avis	Whalley, Michael		

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Case, Margaret	Christie, Andrew Jr
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Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Katsakiores, Phyllis	Langone, John	Letourneau, Robert	Major, Norman
Morse, Charles	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Rabideau, Marie	Raynowska, Bernard	Ruffner, Walter
Sabella, Norma	Splaine, James	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Zolla, William			

STRAFFORD

Bickford, David	Cossette, Larry	Dunlap, Patricia	McKinley, Robert
Musler, George			

SULLIVAN

Flint, Gordon Sr	Young, David
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NAYS 207

BELKNAP

Holbrook, Robert	Johnson, James	Salatiello, Thomas	Wendelboe, Francine
Wood, Jane			

CARROLL

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith	Torressen, Gary
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CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meader, David	Pratt, Irene	Riley, William
Robertson, Timothy	Rose, William	Russell, Ronald	Zerba, Roger

COOS

Horton, Lynn

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan

Brothers, Richard

Cobb, John

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Hall, David

Johnson, Gary

Mirski, Paul

Nordgren, Sharon

Phinney, William

Solow, Martha

Weber, Phil

HILLSBOROUGH

Ahern, Richard

Andrews, Frederick

Arthur, Rose

Baroody, Benjamin

Beaupre, Roland

Belvin, William

Bergeron, Lucien

Bruno, Pierre

Buckley, Raymond

Calawa, Leon Jr

Christiansen, Lars

Clemons, Jane

Cote, David

Cote, Peter

Coughlin, Pamela

Curran, James

Daigle, Robert

Dawe, Eileen

Desmarais, Vivian

Desrosiers, William

Drabinowicz, A Theresa

Dwyer, Paul Sr

Dyer, Merton

Fenton, James

Fletcher, Richard

Foster, Linda

Franks, Suzan

Garrish, Linda

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Holley, Sylvia

Hunter, Bruce

Jean, Claudette

Jean, Loren

Johnson, Lionel

Konys, Christine

L'Heureux, Robert

LaPorte, George

Lasky, Bette

McDonald, James Sr

McDonough-Wallace,
Alice

McRae, Karen

Melcher, Harold

Mendenhall, Leslie

Moriarty, Mary

Murphy, Robert

O'Connell, Timothy

Ouellette, Dean

Pepino, Leo

Reeves, Sandra

Reidy, Frank

Sarette, John

Simon, Anthony

Thulander, O Alan

Turgeon, Roland

Vaillancourt, Steve

Wall, Nancy

White, Donald

White, John

MERRIMACK

Anderson, Eric

Bouchard, Candace

Brewster, Richard

Crosby, Toni

Daneault, Gabriel

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Hager, Elizabeth

Jacobson, Alf

Kennedy, Richard

Langer, Ray

Lavoie, Gerard

Lockwood, Priscilla

Marple, Richard

Maxfield, Roy

Moore, Carol

Owen, Derek

Potter, Frances

Poulin, Dave

Reardon, Tara

Rodd, Beth

Rosenfield, Jay

Seldin, Gloria

Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn
Clark, Martha	Cox, Russell	Downing, Michael	Dunham, Vivian
Grant, Kenneth	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, William	Kobel, Rudolph	Langley, Jane
McKinney, Betsy	Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II
Quandt, Marshall	Rubin, George	Sapareto, Frank	Shelton, Richard
Stickney, Nancy	Stone, Joseph	Vaughn, Charles	Whittier, John

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet	Woods, Phyllis		

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and the veto was sustained, lacking the necessary two-thirds.

GOVERNOR'S VETO MESSAGE ON HB 648

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 648, an Act relative to a sludge testing program.

If enacted, this legislation would transfer up to \$85,000 from state environmental grant payments to municipalities to fund an expanded random sludge testing program at 30 municipal wastewater treatment facilities. While I do not disagree with the intent of the bill and the interest of its supporters in ensuring that all sludge intended for land application meets applicable standards, I do disagree with the manner in which these funds are being appropriated for this purpose.

HB 648 proposes to fund an expanded sludge testing program in FY 2001 through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Rather, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

Like other bills I have vetoed this session, HB 648 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. If the legislature believes that funding for this program is a priority, its \$85,000 annual cost should have been included in the current biennial budget and its costs accounted for during the budget process.

I have repeatedly expressed my concerns about legislation that would increase expenditures or decrease revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 648 must be considered in the context of our overall budget constraints. For these reasons, I have vetoed HB 648.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 648**, relative to a sludge testing program, become law?

Rep. Betty Hall spoke in favor.

As required by the State Constitution, a roll call was taken.

YEAS 255 NAYS 82

YEAS 255

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Millham, Alida	Pilliod, James	Rice, Thomas
Russell, David	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Roberts, William	Robertson, Timothy	Royce, H Charles	Smith, Edwin

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Marshall, Gene	Nordgren, Sharon	Phinney, William	Scanlan, David
Solow, Martha	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Carlson, Donald	Clegg, Robert Jr	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Fenton, James
Flora, Kathleen	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice	Haley, Robert
Hall, Betty	Hansen, Herbert	Hunter, Bruce	Jean, Claudette

L'Heureux, Robert	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sarette, John
Tate, Joan	White, John		

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David Sr	Lavoie, Gerard	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Major, Norman	McKinney, Betsy	Moore, Benjamin
Norelli, Terie	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Priestley, Anne	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Shelton, Richard	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles

Verani, Giovanni

Welch, David

Whittier, John

Zolla, William

STRAFFORD

Bickford, David

Brennan, William

Callaghan, Frank

Dunlap, Patricia

Estabrook, Iris

Gilmore, Gary

Heon, Richard

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Lent, Donald

McKinley, Robert

Musler, George

Pelletier, Arthur

Pelletier, Marsha

Rogers, Rose Marie

Smith, Marjorie

Snyder, Clair

Torr, Franklin

Twardus, Joseph

Vachon, Dennis

Woods, Phyllis

SULLIVAN

Allison, David

Burling, Peter

Donovan, Thomas Jr

Flint, Gordon Sr

Jones, Constance

Kibbey, David

Leone, Richard

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

Wiggins, Celestine

Young, David

NAYS 82

BELKNAP

Johnson, James

Rosen, Ralph

CARROLL

Mock, Henry

Torressen, Gary

CHESHIRE

Lerandeau, Alfred

Rose, William

Russell, Ronald

Zerba, Roger

COOS

Mears, Edgar

Merrill, Gerald

GRAFTON

Mirski, Paul

Weber, Phil

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Baroody, Benjamin	Beaupre, Roland
Buckley, Raymond	Calawa, Leon Jr	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Desmarais, Vivian	Desrosiers, William	Dwyer, Paul Sr	Dyer, Merton
Fletcher, Richard	Goley, Jeffrey	Holley, Sylvia	Jean, Loren
Johnson, Lionel	Konys, Christine	LaPorte, George	LaRose, Richard
Lefebvre, Roland	McCarty, Winston	Mercer, Robert	Moriarty, Mary
Murphy, Robert	Pepino, Leo	Reeves, Sandra	Simon, Anthony
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Feuerstein, Martin	Kennedy, Richard	Langer, Ray	Leber, William
Nichols, Avis	Reardon, Tara	Soltani, Tony	

ROCKINGHAM

Downing, Michael	Fesh, Robert	Flanders, David	Hutchinson, Karen
Kelley, William	Letourneau, Robert	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Pantelakos, Laura	Putnam, Ed II	Rubin, George
Weare, Everett			

STRAFFORD

Berube, Roger	Brown, George	Brown, Julie	Cossette, Larry
DeChane, Marlene	Domingo, Baldwin	Grassie, Anne	Lundborn, Raymond
Rollo, Michael	Taylor, Kathleen	Vincent, Francis	Wall, Janet

SULLIVAN

Cloutier, John

and the veto was overridden by the necessary two-thirds.

recognition of staff

The House recognized and thanked the members of House and Joint Staff for their dedication and work.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

recognition of rep. marion copenhaver

The House recognized Rep. Marion Copenhaver for her 28 years as a member of the House of Representatives.

personal privilege

Reps. Mirski and Mock addressed the House.

Rep. Wall moved that the remarks made by Rep. Mock be printed in the Journal.

Adopted.

Rep. McRae moved that the remarks made by Rep. Mirski be printed in the Journal.

Rep. Christiansen requested a roll call; sufficiently seconded.

YEAS 225 NAYS 99

YEAS 225

BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Millham, Alida	Rice, Thomas
Rosen, Ralph	Salatiello, Thomas	Turner, Robert	Wendelboe, Francine

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	Mock, Henry	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Avery, Stephen	Batchelder, Robert	DePecol, Benjamin	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Smith, Edwin
Zerba, Roger			

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Merrill, Gerald	Rodrigue, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Phinney, William	Scanlan, David
Ward, Brien	Weber, Phil		

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Dyer, Merton	Fenton, James	Fletcher, Richard	Franks, Suzan
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Hansen, Herbert	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	L'Heureux, Robert	LaPorte, George	Lefebvre, Roland

Leonard, Peter	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim	McRae, Karen
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	O'Connell, Timothy	Ouellette, Dean
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sarette, John
Simon, Anthony	Tate, Joan	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Daneault, Gabriel
Hager, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Nichols, Avis	Owen, Derek	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Christie, Andrew Jr	Cox, Russell
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, David	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph
Langlely, Jane	Langone, John	Letourneau, Robert	Major, Norman
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Welch, David	Whittier, John	Zolla, William

STRAFFORD

Cossette, Larry	Domingo, Baldwin	Gilmore, Gary	Grassie, Anne
Kaen, Naida	McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha
Smith, Marjorie	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	Young, David

NAYS 99

BELKNAP

Pilliod, James	Russell, David	Thomas, John	Wood, Jane
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CARROLL

Chandler, Gene	Patten, Betsey
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CHESHIRE

Burnham, Daniel	Doucette, Richard	Pratt, Irene	Pratt, John
Riley, William	Royce, H Charles		

COOS

Davis, Perley	Mears, Edgar	Pratt, Leighton
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GRAFTON

Almy, Susan	Copenhaver, Marion	Marshall, Gene	Solow, Martha
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HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Calawa, Leon Jr
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr

Flora, Kathleen	Garrish, Linda	Haley, Robert	Hall, Betty
Johnson, Lionel	Konys, Christine	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lozeau, Donnalee	McColgan, Philip Jr	Melcher, Harold
Mosher, William	Murphy, Robert	O'Hearn, Jane	Reidy, Frank
Rowe, Robert	Thulander, O Alan	Turgeon, Roland	White, John

MERRIMACK

Brewster, Richard	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Maxfield, Roy	Moore, Carol	Potter, Frances	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Case, Margaret	Clark, Martha	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Johnson, Robert	Kane, Cecelia	Noyes, Richard
Pantelakos, Laura	Shelton, Richard		

STRAFFORD

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Musler, George
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Allison, David

and the motion was adopted.

Rep. Solow voted Nay and intended to vote Yea.

remarks

Rep. Mirski: Thank you, Madam Speaker. I'll try to make this quick. This is difficult for me because I like the Chair of the House Judiciary Committee and unfortunately it involves him. At some point

during my first year in this House, I rose to invoke personal privilege and the then Speaker informed me that what I really wanted was to ask for Unanimous Consent since the implication of personal privilege was really for the purpose of defending one's honor and reputation or for the purpose of correcting a wrong which one might have done to another member and in order to make an apology. Having been corrected I asked for Unanimous Consent, said my piece and sat down and since then I have had no cause to invoke Personal Privilege until today. Today I rise primarily for the purpose of expressing my apologies to a number of members of this House, in fact probably to the House as a whole. I find I have misled you, given some wrongful advice and most importantly diffused your righteous opposition and objections to those impeachment investigation proceedings which conflicted with your inherent right or the inherent right of members of this House to participate and be informed. The member from Hudson, who strenuously objected to the Committee's closing of its doors, who prepared the basis for a Constitutional challenge to the Committee's plunge into secrecy and who worked so hard to gather support of the rest of the House member's rights of access and to whom I failed to give proper support, I deeply apologize. To the member from Epsom, the member of the Judiciary Committee who so strenuously fought on behalf of the public's right-to-know and to whom I also failed to give vigorous support when it was most critically needed in the beginning, I apologize. For those New Hampshire citizens whose dismay with our Judiciary is palpable and who so desperately wish for judicial reform, I let you down, too. When you pointed out that the Judiciary Committee proceedings were going sideways, rather than toward the mark, instead of contesting that new direction, I asked you to stay your concerns and, to the press when you confronted the Speaker on the matter of your right-to-know, I remained silent. As a sponsor of HR 50, and in my heart knowing better, I accept responsibility for these failures. You nevertheless deserve to know why I succumbed to the notion that principal could, perhaps, be set aside just for a moment if a greater good might ensue. Having repeated a historic and recurring human failing, I painfully relearned an old lesson and that is that the sloughing off of principal is instantly damaging to the public as well as one's own perception of one's character. In the end I can assure you the end is not worth the damage inflicted by the means and so you deserve an explanation. In early December of 1997 and when I served on Fairbanks II, a vote was taken to subpoena the secret records of complaints against judges. The vote was six in favor and three against. After the vote the members were informed that the records would be subpoenaed on the following Wednesday or Thursday. To my great surprise the Chair, without a vote of the Committee, stayed the issuance of that subpoena. By the middle of the following week, not only had the subpoena not been issued, but the Committee membership was increased by the addition of two new alternate members who were appointed by the Speaker and during that same period, per subpoena, Committee members were intensely lobbied by majority and minority leaders to change their minds, this is to get the records of the JCC. Sure enough, with the aid and vote of a new alternate who, up until that moment had not heard so much as a minute's testimony on the subject of Judge Fairbanks wrongful behavior, the subpoena was killed and the effort to get at the secret records of the court defeated. I learned what power and influence the Chief Justice was able to exert on legislative leadership, quite frankly, from that experience. Last year, having sponsored the Bill of Address, I learned the extent to which the New Hampshire Bar's bluebloods were prepared to circle the wagons, I learned how aggressive the Judiciary's power elite could be in defense of wrongful behavior by one of their own and once again I learned just how supine certain legislators would become in the face of illusory power of the court and it is illusory. So, by noon of the Wednesday before the impending Thursday vote on HR 50, the minority leader and I agreed that the vote of five committee members would be, excuse me, I got a little ahead of myself, we did have a minor dispute about the drafting of that bill, but by the Wednesday before the impending Thursday vote on HR 50, the minority leader and I had agreed that the vote of five committee members would probably be sufficient to compel testimony. This is all about my interest in getting the minority on this committee the chance to question whom they wished. So, imagine my dismay when, at noon, the majority leader balked, refusing to grant the minority the ability to compel testimony. Since I was a prime sponsor, I decided that I wouldn't sign off unless the interests of the minority were somehow served. By 3:00 p.m. or so, neither the majority leader nor I had budged and it appeared that there would be competing impeachment resolutions on

the floor the following day. At that point, working very hard in the background, the representative from Litchfield, and I thank you, secured from the Chairman of the Judiciary Committee the promise that if a minority member wanted a particular party deposed or questioned, the Committee member and the Chair would go to counsel and have the subpoena issued. The impasse was broken, the House leadership was quickly informed of the arrangement, the minority interests on the committee were secured upon the honor of the Chair. Preceding the vote on HR 50, minority members expressed their appreciation to the Chair for his commitment to their interests. Feeling secure and believing that the Chair would honor his word, I stepped back from my natural inclination to comment when Committee proceedings began to go awry. I restrained myself when committee counsel advanced a variety of goofy ideas on matters concerning separation of powers in the role of the court, ideas utterly in conflict with the Constitution's intent, and when friends in the House complained about committee procedures I advised them to place their faith in the Chair. As long as the minority of the committee remained able, through the authority specifically granted the Chair and the language of HR 50, and the opportunity to go wherever the inquiry might lead remained, so instead of standing on principle when principle demanded a response, I tried instead to honor what for me was a difficult quid pro quo, the deferential treatment of the process. Unfortunately, the Chair refused to honor the promise which was made to the representative from Litchfield, to me and to the minority members of the Judiciary Committee. The minority had requested that Attorney Bussiere, Justice Thayer's mentor and bank, Michael O'Malley, late of the Governor's office and Judith Thayer be deposed. The majority of the Judiciary Committee have refused to depose these potential witnesses or to question them otherwise. The Chair's refusal to exercise the authority given him under the terms of HR 50 to make good on his promise to minority members to bring before the Committee those individuals whom they wished to have questioned. And what might members learn from questioning these witnesses? Mr. O'Malley is believed to provide insight as to what truly motivated the particular direction and thrust of the AG's report. Mr. McLaughlin notified every political leader of consequence about his intentions, excluding however members of the Executive Council. Executive Councilors represent 250,000 voters, more or less. The Executive Council has the same constitutional responsibilities as the Governor with respect to nomination and approval of judges. Why were the councilors excluded from the AG's information loop? Mr. O'Malley's foreknowledge of the AG's intention speaks to Mr. O'Malley's unique position in the Governor's office. Why would the Committee not want to know the truth about who knew what, where and when? It is anticipated that Judith Thayer, incidentally Judith Thayer is the victim of the underlying offense which propelled this entire case into the public, she is the victim, we believe that she could provide insight into the true culture of the court. Judith Thayer would have asserted that Stephen Thayer regularly complained of a working majority on the Court which predetermined the outcome of cases. She would likely identify the justices who conspired in that way and in doing so would likely give credence to Justice Horton's assertion that Justice Brock picked retired Justice Batchelder to sit Claremont II because he knew how Batchelder would vote. In his recent public remarks, Sherman Horton did not, as has been reported, back away from that assertion. What he said to that committee was that it didn't take a Rhodes scholar to understand why Brock wanted Batchelder on the Claremont II panel given Batchelder's arguments during the Claremont I deliberations. Horton said that, in effect, Brock had two votes. Were it revealed, for example, that Justice Batchelder, Brock and Justice Johnson formed a majority which regularly predetermined the outcome of cases, would the members of this House begin to think differently about who the court truly served and would members of this House reconsider the importance of Justice Horton's remarks concerning Justice Brock's packing of Claremont II? Now, might Mr. Bussiere be able to inform us about the nature of the relationship, financial or otherwise with Judge Thayer? Might we determine if and how that relationship benefited Attorney Bussiere either because of Judge Thayer's position on the Court or because Judge Thayer was liaison to the Court's professional conduct committee? Might we learn if there were other Judges or even members of the Professional Conduct Committee who have a financial relationship in connection to Attorney Bussiere? If so, what might those relationships have meant to Attorney Bussiere's friends, clients and other member of the New Hampshire Bar? My friends, these questions remain unanswered and the true dimension of the Court's potential duplicity and corruption quite

frankly remains shrouded on account of the Committee's failure to delve more deeply into the internal structure of the Court and the particular relationships which drive it. I will say this, listening to a vast amount of the Committee's proceedings on the radio, I've come to admire the capacity of the Judiciary Committee members to question and cross examine witnesses. I have great faith that the Committee members can quickly determine the inherent worth and depth of testimony which might be provided by Bussiere, Thayer and O'Malley. The Committee has a great deal to gain and only a bit of time to lose in granting the minority's wish to depose and question these individuals. At the moment, truth is being suppressed because the Chair refuses to honor his promise to minority members. As for me, the Chair's failure to honor that commitment to minority members of the Judiciary Committee has impugned the integrity of the assertions I made to members of this House and the press and the public and his refusal to honor his promise diminishes the stature of members of leadership whom I respect because by inference it can easily be assumed that leadership seeks to suppress the truth. I expect that the Chair will want to respond to these remarks, I have no doubt, and I expect that some members of the House may rise to his defense but I will tell you that whatever rationale or explanations are put forth, when the dust settles certain simple facts remain. A promise was made and a word of honor given. Neither were fulfilled. Perceptions of my own personal integrity suffers the consequence. So, once again, to those I've unintentionally offended or misled as a consequence of my faith in the word of the Chair of the House Judiciary Committee, I apologize. Thank you, Madam Speaker.

Rep. Mock: Thank you, Madam Speaker and members of the House. I never thought that I would have to stand here to protect my reputation or to protect my name, but I do. I do it calmly because this is important to me. From the very first inception of HR 50, outside forces have done their damndest to take over this investigation and it was I who stood in their way and it was 21 other members who stood with me. I have said this from the very beginning and I told a caller to my home on Saturday night at 6:33 p.m. that he would subpoena witnesses before my committee over my dead body and he told me that unless he had an apology from a certain committee member that he would turn the power of the pen against the committee with certain news media that he could use and further that if I didn't invite or subpoena a certain lady to testify before the Committee that he was going to do something. I don't know what he said. At that point he had me riled and I told him about my dead body. And, there have been times through this whole thing when I've thought I wasn't too far from there, but I do want to address the one thing here that is upsetting. Henry Mock never, ever made a promise that he would subpoena anyone that a minority of the committee wanted unless he agreed with it. If they thought for a minute that I was going to subpoena Mickey Mouse or I was going subpoena someone to listen to a divorce case or subpoena someone looking into the Claremont school case, unless it was necessary in the scope of our charge, then they don't know me. House Resolution 50 told us to investigate within the confines of the Attorney General's report and wherever that might take us. It wasn't about Claremont and it wasn't about comments made between a husband and his wife. Sorry. Now, a lot goes on in these hearings you don't see and you are right, these things were kept behind closed doors for weeks and I'm glad that they were. That's exactly where they should have been at that stage, of course. As a matter of fact, I stood here and said that one day and you gave me a standing ovation and the committee thanks you for that. Behind, in the little ice cream parlor opposite our hearing room, one day I had three or four over here wanting Mr. or Mrs. So-and-So. I had a bunch over here wanting someone else, some saying yes, some saying no. I went to the window. I looked out at the pigeons sitting on the window sill and I thought what a nice life they have and then my German temper showed and there is nothing wrong with that and I don't apologize for my temper which some editorialists have critiqued. I turned around and I said, "That's it. I've made a decision. Every single subpoena in this committee, because you people can't decide for yourselves, every single one from now on will be issued by majority vote and it will be done right out there where we can go out there and perform like damn fools which is what we are doing right now." That is exactly what I said. I apologize, Madam Speaker, for the language. But, I want to be honest. So, back to my original, furthermore, just on the little promise, I agreed to accept the power of the subpoena if I myself approved of the suggested witness. On the

other hand, if I didn't, I went one step further, I said, "Let the committee decide." They could have overridden even me. So, I think I have been fair. The poison pen that I was threatened with on Saturday night is functioning and it functions with inside information and it's not all correct. For instance, this morning's or yesterday's had half of my committee playing in a golf tournament. Not one single member of the Judiciary Committee was absent yesterday playing golf. And, if I was on the Mount Washington boat last Wednesday night, I'll tell you that boat has shrunk in size because I was on a boat, but I wasn't on the Mount Washington. I think to interject what has been interjected here today into these proceedings at this critical time is absolutely unthinkable. Some people don't understand when they are ahead. Thank you.

unanimous CONSENT

Rep. Rose addressed the House.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of receiving the report of the Judiciary Committee pursuant to HR 50, only.

Adopted.

The House recessed at 1:00 p.m.

RECESS

bills signed by the governor

Chap. 240, **HB 733**, relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy. (Eff. 8/7/00)

Chap. 241, **HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Eff. 6/8/00)

Chap. 242, **SB 330**, establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows. (Eff. 8/7/00)

Chap. 243, **SB 334**, relative to credit unemployment insurance. (Eff. 8/7/00)

Chap. 244, **SB 397-FN-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange. (Eff. 6/8/00)

Chap. 245, **SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Eff. 6/8/00)

Chap. 246, **SB 458-FN**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Eff. 7/1/00)

Chap. 247, **SB 469**, relative to mutual insurance holding companies. (Eff. 6/8/00)

Chap. 248, **HB 1377**, prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council. (Eff. 8/8/00)

Chap. 249, **SB 472**, relative to final authorization of electric rate reduction financing and commission action. (Eff. 6/12/00)

Chap. 250, **SB 97**, relative to charitable trusts which are institutional funds. (Eff. 8/11/00)

Chap. 251, **SB 128**, replacing the housing assistance trust fund with a homeless prevention fund. (Eff. 1/1/01)

Chap. 252, **SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. (Eff. 7/1/00)

Chap. 253, **SB 302**, relative to certain employment requirements for liquor licensees. (Eff. 7/12/00)

Chap. 254, **SB 308**, relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts. (Eff. 6/12/00)

Chap. 255, **SB 324**, relative to personal care services and providers. (Eff. 6/12/00)

Chap. 256, **SB 328**, making corrections to statutory references in certain fish and game laws. (Eff. 8/11/00)

Chap. 257, **SB 257**, relative to trustee process. (Eff. 1/1/01)

Chap. 258, **SB 349**, relative to the sale of the marital residence in a domestic proceeding. (Eff. 1/1/01)

Chap. 259, **SB 363**, relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses. (eff. 1/1/01)

Chap. 260, **SB 368**, relative to insurance fraud. (Eff. 8/11/00)

Chap. 261, **SB 375**, relative to motor vehicle dealerships. (Eff. 1/1/01)

Chap. 262, **SB 378**, relative to Article 9 of the Uniform Commercial Code. (Eff. 8/11/00)

Chap. 263, **SB 389-FN**, relative to medical benefits for group II members of the retirement system. (Eff. 7/1/00)

Chap. 264, **SB 409-FN**, relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants. (Eff. 8/11/00)

Chap. 265, **SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Eff. 1/1/00)

Chap. 266, **SB 415-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Eff. 1/1/01)

Chap. 267, **SB 419-FN**, establishing the crime of negligent storage of a firearm. (Eff. 1/1/01)

Chap. 268, **SB 424**, relative to controlled substances used for pain management. (Eff. 8/11/00)

Chap. 269, **SB 428-FN-A**, relative to the health care fund. (Eff. 7/1/00)

Chap. 270, **SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honey bee swarms. (Eff. 6/12/00)

Chap. 271, **SB 445-FN**, relative to methadone maintenance treatment and the licensing of limited retail drug distributors. (Eff. 6/12/00)

Chap. 272, **HB 553-FN-A**, establishing a committee to study the status of men. (Eff. 6/12/00)

Chap. 273, **HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Eff. 6/12/00)

Chap. 274, **HB 1240**, requiring the department of health and human services and insurers to make prompt payments. (Eff. 1/1/01)

Chap. 275, **HB 1369-FN-L**, clarifying authority to regulate asbestos. (Eff. 7/1/00)

Chap. 276, **HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee. (Eff. 6/16/00)

Chap. 277, **HB 297-FN**, relative to the state commission for human rights and claims before it. (Eff. 6/16/00)

Chap. 278, **HB 1418-FN-L**, relative to mercury-containing products. (Eff. 1/1/01)

Chap. 279, **HB 97**, relative to the right to farm. (Eff. 7/1/01)

Chap. 280, **HB 226-L**, establishing municipality bond payment schedules and percentages. (Eff. 8/20/00)

Chap. 281, **HB 228**, clarifying permissible political expenditures. (Eff. 6/21/00)

Chap. 282, **HB 413-FN-A**, relative to the renovation of regional vocational education centers and making an appropriation therefor. (Eff. 7/1/01 & varied)

Chap. 283, **HB 417-FN-A**, authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation for the cost of the Walker

building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design. (Eff. 6/21/00)

Chap. 284, **HB 505-FN**, establishing a special license plate for veterans. (Eff. 7/1/00)

Chap. 285, **HB 618-FN-A**, establishing a voucher program for smoking cessation. (Eff. 6/21/00 & varied)

Chap. 286, **HB 690-FN-L**, establishing a committee to study charter schools and open enrollment school districts. (Eff. 8/20/00)

Chap. 287, **HB 713-FN**, relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving. (Eff. 1/1/02 & varied)

Chap. 288, **HB 725**, relative to rulemaking under the administrative procedures act. (Eff. 7/1/00)

Chap. 289, **HB 1188-FN-L**, relative to alternative kindergarten programs. (Eff. 6/21/00)

Chap. 290, **HB 1189-FN**, relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization. (Eff. 6/21/00)

Chap. 291, **HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Eff. 6/21/00)

Chap. 292, **HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire. (Eff. 8/20/00)

Chap. 293, **HB 1414**, authorizing the department of environmental services to discuss with the other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities. (Eff. 6/21/00)

Chap. 294, **HB 1463**, making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers. (Eff. 8/20/00 & varied)

Chap. 295, **HB 1471**, relative to the department of employment security's power to approve building projects. (Eff. 8/20/00)

Chap. 296, **HB 1504**, making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. (Eff. 6/21/00)

Chap. 297, **HB 1510-FN**, relative to the licensure of geologists. (Eff. 8/20/00)

Chap. 298, **HB 1552-FN-A**, establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor. (Eff. 7/1/00 & varied)

Chap. 299, **HB 1569-FN**, requiring the department of environmental services to develop a voluntary MTBE testing program of state water supplies and to study the amount of MTBE in gasoline in the state. (Eff. 6/21/00 & varied)

Chap. 300, **HB 1571-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Eff. 1/1/01)

Chap. 301, **HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Eff. 6/21/00)

Chap. 302, **HB 1573-FN**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation. (Eff. 6/21/00)

Chap. 303, **HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Eff. 8/20/00 & varied)

Chap. 304, **HB 1589**, relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry. (Eff. 6/21/00)

Chap. 305, **HB 1611**, relative to retail selling. (Eff. 6/21/00 & varied)

Chap. 306, **HB 1617-FN**, relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges." (Eff. 6/21/00)

Chap. 307, **HB 1621-FN**, allowing administrative home confinement for habitual offenders. (Eff. 1/1/00)

Chap. 308, **HB 1622-L**, making the requirement that a deputy town clerk have his or her domicile within the town optional, ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk, and relative to the simultaneous holding of certain town offices. (Eff. 6/21/00 & varied)

Chap. 309, **HB 2000-Fn-L**, relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the statewide toll booth system. (Eff. 6/21/00 & varied)

Chap. 310, **SB 135-FN**, relative to water supply land protection grants. (Eff. 6/21/00)

Chap. 311, **SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. (Eff. 1/1/01)

Chap. 312, **SB 232**, relative to ambulatory surgical facilities in service areas of rural hospitals. (Eff. 6/21/00)

Chap. 313, **SB 353**, relative to sales of insurance by financial institutions. (Eff. 8/20/00)

Chap. 314, **SB 383**, requiring the department of health and human services and insurers to make prompt payments. (Eff. 1/1/01)

Chap. 315, **SB 393**, relative to single producer licensing. (Eff. 1/1/01)

Chap. 316, **SB 422-FN**, relative to the housing security guarantee loan program. (Eff. 7/1/00)

Chap. 317, **SB 431**, relative to certain secondary vocational education programs. (Eff. 6/21/00)

Chap. 318, **SB 436-FN**, relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges. (Eff. 6/21/00)

Chap. 319, **SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information. (Eff. 8/20/00 & varied)

Chap. 320, **SB 446**, relative to the integration of information technology at the state, county and municipal levels. (Eff. 8/20/00)

Chap. 321, **SB 448**, establishing a guardian ad litem board. (Eff. 6/21/00)

Chap. 322, **SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001; and appropriating funds to the legislative budget assistant and the department of revenue administration for tax modeling. (Eff. 6/21/00)

Chap. 323, **SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. (Eff. 1/1/01)

Chap. 324, **SB 459**, relative to uninsured or underinsured motorist insurance coverage. (Eff. 8/20/00)

Chap. 325, **SB 470**, relative to the duties of the commission on the status of community-technical education. (Eff. 6/21/00)