

HOUSE RECORD

First Year of the 155th Session of the General Court

Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Wednesday, February 19, 1997 No. 26

HOUSE JOURNAL No. 7 (cont.)

Thursday, February 13, 1997

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 19, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Many times we come before You, O God, not knowing exactly what to say, unable or unwilling to find the words that can express our deepest frustrations or our greatest yearnings. But stumbling over the thoughts of our hearts and the confusion of our minds we come before You as we are; with nothing less and nothing more than the offering of ourselves, in the hope that You will receive our glimpses of truth and fragments of faith and fashion them into a more abiding beauty, for Your sake and in Your own good time. Amen.

Reps. McRae and Turner led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Clay, Crosby, Franks, Beverly Gage, Guay, Hawkinson, Cecelia Kane, Lovejoy, Morris, O'Connell, O'Rourke, Vincent and Carol Ann Williams, the day, illness.

Reps. Ameen, Bartlett, David Cote, Dawe, Dodge, Estabrook, Griffin, Guaraldi, Lavoie, Marcinkowski, McGuirk, McNamara, Musler, Stone, Kathleen Taylor and Thomas, the day, important business.

Reps. Barry and Kathleen Colburn, the day, illness in the family.

INTRODUCTION OF GUESTS

Dean Sweeny and Vic St. Cyr, guests of Rep. Tholl. John Pelletier, son of Reps. Marsha and Arthur Pelletier. Mary Lou Nowe, Ann Marie Amura, Dianne Gilbert and Harriet Cate, wife and guests of Rep. Nowe. Shaun, Linda and

Steve Doherty, Donna Strassburger, Jenna Burns, Zachary Lynde and Charlene Takesian, guests, son and wife of Rep. Lynde.

COMMITTEE ASSIGNMENTS

Rep. Dunlap off Wildlife and Marine Resources; on Environment and Agriculture.

Rep. Dowd off Commerce; on Finance.

SENATE MESSAGE CONCURRENCE

HB 193, to amend the procedures for the election of officers in the Lebanon school district.

HOUSE RESOLUTION NO. 19

affirming unrestricted revenue estimates for fiscal years 1998 and 1999.

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999 and also takes note of the following revenue figures presented here for fiscal years 1996 and 1997:

Committee estimates are based on current rates.

(A) (B) (C) (D) (E) (F)

FY 1996 -----FY 1997----- FY 1998 FY 1999

GENERAL FUNDS: Unaudited Official Committee Committee Committee

(Dollars in Millions) Actual Estimate Estimate Variance Estimate Estimate

Business Profits Tax 155.814 150.619 160.000 9.381 165.400 172.400

Business Enterprise Tax 24.300 45.300 42.000 (3.300) 34.600 36.000

Meals & Rooms Tax 112.436 124.000 117.500 (6.500) 121.000 124.500

Liquor Sales 65.061 67.500 68.683 1.183 70.700 73.200

Interest & Dividends Tax 51.658 44.350 48.000 3.650 49.500 51.000

Insurance Tax 50.488 57.820 54.500 (3.320) 53.400 55.700

Tobacco Tax 45.420 47.000 48.300 1.300 48.300 48.300

Other	38.058	45.425	40.000	(5.425)	40.000	40.000
Communications Tax	35.267	35.700	37.000	1.300	39.000	41.000
Estate & Legacy Tax	31.707	36.000	45.000	9.000	37.400	37.400
Real Estate Transfer Tax	30.077	34.000	33.000	(1.000)	34.000	35.000
Court Fines & Fees	18.948	19.500	19.000	(0.500)	19.000	19.000
Utility Tax	17.488	19.000	18.000	(1.000)	18.000	18.000
Securities Revenue	15.621	14.000	16.500	2.500	16.800	17.300
Board & Care Revenue	13.628	13.700	13.700	-	13.700	13.700
Beer Tax	11.335	11.250	11.100	(0.150)	11.100	11.100
Horse Racing	2.989	3.100	2.800	(0.300)	2.800	2.800
Dog Racing	2.137	2.800	2.000	(0.800)	2.000	2.000
TOTAL STATE SOURCES	722.432	771.064	777.083	6.019	776.700	798.400

MEDICAID ENHANCEMENTS:

Board and Care	45.200	47.409	47.409	-	47.400	47.400
Uncompensated Care Pool	45.880	59.500	50.000	(9.500)	51.400	52.900
Total Medicaid Enhancements	91.080	106.909	97.409	(9.500)	98.800	100.300
TOTAL GENERAL FUND	813.512	877.973	874.492	(3.481)	875.500	898.700

HHS-Third Party Reimbursements - 20.000 ***** ***** *****

***** = The committee does not have sufficient information at this time to determine an estimate.

The following three taxes have temporary rates that are due to expire on June 30, 1997.

If the rates are not continued, the decrease in tax receipts would be as follows:

Meals & Rooms Tax (8%/7%)	(15.125)	(15.562)
Real Estate Transfer Tax (\$5.00/\$3.50)	(10.200)	(10.500)
Communications Tax (5.5%/3.0%)	(17.727)	(18.636)

REVISED TOTAL 832.448 854.002

HIGHWAY FUNDS:

(Dollars in Millions)

Gasoline Road Toll 106.963 104.450 110.000 5.550 113.300 116.700

Motor Vehicle Fees 60.141 57.724 61.800 4.076 63.650 65.500

Miscellaneous 11.140 6.741 11.000 4.259 11.300 11.600

TOTAL HIGHWAY FUNDS 178.244 168.915 182.800 13.885 188.250 193.800

FISH & GAME FUNDS:

(Dollars in Millions)

Fish & Game Licenses 5.994 6.374 6.300 (0.074) 6.300 6.300

Miscellaneous 0.730 0.738 0.600 (0.138) 0.600 0.600

TOTAL FISH & GAME FUNDS 6.724 7.112 6.900 (0.212) 6.900 6.900

Rep. Kurk moved that the House adopt HR 19 and spoke in favor.

Adopted.

LAID ON THE TABLE

Rep. Kurk moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be laid on the table.

Adopted.

**COMMITTEE REPORTS
CONSENT CALENDAR**

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 499, establishing a committee to study the provision by the state of certain economic, medical and social support services to individuals whose misconduct resulted in the need for service, removed by Rep. Rosen.

HB 315-L, expanding certain financial powers of village districts, removed by Rep. Cobbin.

HB 509-A, relative to repairing and resurfacing the access road to the Gunstock Ski Area, removed by Rep. Rice.

HB 403, prohibiting the use of trotlines to take fish, removed by Rep. Vaillancourt.

Consent Calendar adopted.

HB 180, establishing a study committee to examine changes to the law necessary to allow electronic corporations to incorporate in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: This legislation addresses two possible issues to study: The creation of a new form of corporate entity, and the changing of current law in order to attract new businesses to New Hampshire. There was no interest from either the business or legal community in creating a new form of corporate entity. As to the second issue, there are other groups statutorily and private sector organized, currently addressing economic development, including electronic commerce based businesses. Vote 18-0.

HB 222-L, relative to pooled risk management programs. OUGHT TO PASS

Rep. Richard H. Krueger for Commerce: In 1987 legislation was passed establishing the criteria which determined the makeup of the boards of trustees for pool risk management entities. At that time boards were composed of elected or appointed officials. The risk pool management groups have over 300 members and serve the needs of schools, municipalities and county organizations. This enabling legislation would allow the boards of trustees to retain members who no longer wished to serve in elected or appointed positions continued participation, providing the benefits of their expertise, and to draw upon the expertise of members who had never held public office. Vote 17-0.

HB 359, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. RE-REFER TO COMMITTEE

Rep. Anthony Syracuse for Commerce: Many New Hampshire landlords currently subscribe to a service that provides information about prospective tenants. In particular, this background report notes whether an eviction proceeding has ever been initiated against the prospective tenant. The bill does not seek to adversely affect this valuable landlord service. Rather, the bill requires that such eviction-related information also specify the basis for commencing the eviction(e.g., non-payment of rent, sale of the property, landlord's family needs) and the outcome of the proceeding(i.e. eviction granted, eviction denied, settled out-of-court). Full disclosure of the circumstances surrounding an eviction proceeding not only protects tenants' rights but enhances the landlord knowledge. Indeed, a representative of the landlord service expressed a desire to provide the information the bill otherwise requires. Testimony indicated, however, that certain district courts have been unwilling or reluctant to supply such information to the landlord service. Accordingly, the committee would like additional time to facilitate the transfer of data between the court system and the landlord service, thereby satisfying both landlords and tenants. Vote 17-1.

HB 657-FN, eliminating the Pease development authority and transferring its duties and authority to a new Pease international tradeport division. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: There are several bills dealing with the PDA before the Commerce committee. The committee has chosen to address less severe options regarding changes in regard to the PDA. Vote 19-0.

HB 670-FN, relative to telemarketing registration and fraud prevention. RE-REFER TO COMMITTEE

Rep. Anthony Syracuse for Commerce: Sponsors of this bill requested re-referral. The Consumer Protection Bureau of the Attorney General's office supports the concept of a Fraud Prevention Act and recommends reworking the bill for next session. The committee wants more time to review the issues involved and put together a bill that will serve citizens well. Vote 19-0.

HB 221, prohibiting out-of-state sweepstakes conducted by mail. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: Investigation of this subject disclosed that it would be inappropriate to pass legislation that interfered with an individual's or business' right to utilize the U.S. mail service to promote their products, ideas or beliefs. Recipients of direct mail material may have much of it eliminated

by notifying Mail Preference Service, Director Marketing Association, P.O Box 9008, Farmingdale, New York 11735-9008. Vote 15-0.

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. OUGHT TO PASS

Rep. Herbert Hansen for Criminal Justice and Public Safety: RSA 534:26 is no longer pertinent in today's environment. It was originally passed over 100 years ago and today other practices of prisoner notification are used. Vote 16-0.

HB 348-FN, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide. OUGHT TO PASS

Rep. Herbert Hansen for Criminal Justice and Public Safety: This bill authorizes the state fire marshal to investigate a building collapse or any incident involving the release of carbon monoxide other than from a motor vehicle. Current law limits such investigations to fires. Vote 15-0.

HB 289-L, authorizing annual school district meetings to be held at multiple locations. OUGHT TO PASS WITH AMENDMENT

Rep. Rep. William A. Riley for Education: The bill, as amended, provides for two-way audio-visual closed circuit equipment to be installed in multilocation town and school district meetings for those municipalities which choose to use them. Vote 19-0.

Amendment (0170h)

Amend the bill by replacing section 2 with the following:

2 "Place" Changed to "Places." Amend RSA 197:4 to read as follows:

197:4 ~~[Place]~~ **Meeting Places**. School district meetings may be held at such suitable ~~[place]~~ **places, which have 2-way visual and audio closed circuit capacity**, as in the opinion of the officers calling the meeting will best accommodate the voters.

AMENDED ANALYSIS

Section 2 of this bill authorizes school districts to hold their annual district meetings at multiple locations which have 2-way audio and visual closed circuit capacity.

The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

HB 277, relative to the option to process absentee ballots before closing of polls. OUGHT TO PASS WITH AMENDMENT

Rep. Lynn Horton for Election Law: The amendment to this bill becomes the bill. It allows processing of absentee ballots starting at 1:00 p.m. instead of 2:00 p.m. Clerks say this will be helpful to them. Vote 14-1.

Amendment (0160h)

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at ~~[2:00 p.m.]~~ **1:00 p.m.** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time during the processing of such ballots. Absentee ballots which are received after ~~[2:00 p.m.]~~ **1:00 p.m.** and prior to 5:00 p.m. shall be processed as soon after receipt as possible.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[2:00 p.m.]~~ **1:00 p.m.**, the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

AMENDED ANALYSIS

The bill changes the time to begin processing previously received absentee ballots and the time at which voters must be present to submit written challenges which postpone the processing of absentee ballots.

HB 140, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products. OUGHT TO PASS WITH AMENDMENT

Rep. Perley E Davis for Environment and Agriculture: This Bill reduces the number of days apples must be kept in storage with not more than 5% oxygen before the apples may be represented as having been exposed to a controlled or modified atmosphere. It allows the Commissioner of Agriculture, Market and Food to issue stop sale, use, or removed orders for non compliance with law regulating maple and honey products. Repeals a provision requiring the department to test and approve maple syrup and sap hydrometers. Vote 13-0.

Amendment (0143h)

Amend RSA 434:26 as inserted by section 1 of the bill by replacing it with the following:

434:26 Controlled Atmosphere. No person shall sell or exchange or offer or expose for sale or exchange or transport for sale any apples represented as having been exposed to "controlled atmosphere", "modified atmosphere", alone or with other words, or shall so use any such term or form of words or symbols of similar import on any container or lot of apples advertised, sold, offered for sale or transported for sale within this state unless such apples have been kept in a room or storage building with not more than 5 percent oxygen for a minimum of ~~[90]~~ **60** days. A record on a form approved by the commissioner shall be kept at a convenient location adjacent to ~~[said]~~ **the** room or storage building from the day of sealing to the day of opening of ~~[said]~~ **the** room or storage building, and shall be subject to review by the commissioner or ~~[his]~~ **the commissioner's** authorized agents at any time for a period of at least one year.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

HB 553-L, relative to a right to farm. RE-REFER TO COMMITTEE

Rep. Richard T. Trelfa for Environment and Agriculture: The right to farm comes very close to being inherent to any organized society. To make certain that all major issues are addressed, the committee elected to re-refer this bill to committee. Vote 16-0.

HB 158, creating a committee to study the establishment of a New Hampshire volunteer program. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia Holley for Executive Departments and Administration: This bill creates a committee to study establishing a program which places volunteers with state agencies to perform duties requested by the agency. Vote 17-0.

Amendment (0173h)

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

(b) The committee shall solicit input from the following:

- (1) The commissioner of safety, or designee.
- (2) The commissioner of environmental services, or designee.
- (3) The commissioner of resources and economic development, or designee.
- (4) The commissioner of the department of employment security, or designee.
- (5) The commissioner of the department of health and human services, or designee.
- (6) A member of the governor's staff, appointed by the governor.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect 30 days after its passage.

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues. OUGHT TO PASS

Rep. Miriam Dunn for Executive Departments and Administration: This bill is the product of the "Task Force on Electronic Information in State Government: created by laws of 1996, chapter 216:3 (HB 1110). The technical committees, already established by statute and represented by personnel from all branches of government, will advise the Office of Information Technology Management on various issues, including emerging internet and "intranet" needs and capabilities. All testimony was in support of the bill. Vote 16-0.

HB 319, relative to access to child immunization records. INEXPEDIENT TO LEGISLATE

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: The need for immunization records is unquestioned; however, those records are best obtained, administratively, through the parents or guardians who have the knowledge of their whereabouts and must give their permission. Concern was expressed regarding maintaining the confidentiality of medical records. Another problem arises for children coming from out of state and out of the country. Vote 15-2.

HB 401, repealing the prospective repeal of the healthy kids corporation. OUGHT TO PASS

Rep. Charles W. Ferguson for Health, Human Services and Elderly Affairs: This repeals the sunset provisions of healthy kids corporation. Healthy Kids is a health insurance program offered to uninsured children. The corporation has proven its worth and should be continued permanently. Vote 17-0.

HB 189, exempting occupants of rooms in transitional housing units operated by charitable organizations from the definition of "tenant" for the purposes of landlord/tenant laws. OUGHT TO PASS WITH AMENDMENT

Rep. Kevin H. Smith for Judiciary and Family Law: The committee opinion was that this bill will benefit those charitable organizations, which provide transitional housing, of being relieved from having to go through the entire eviction process. This is done only after a pre-agreed behavioral contract has been broken or violated. Vote 15-0.

Amendment (0043h)

Amend the title of the bill by replacing it with the following:

AN ACT excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of landlord/tenant laws.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Transitional Housing Rooms and Rental Units. Amend RSA 540:1-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) Rooms and rental units leased or subleased from charitable organizations pursuant to a transitional housing program where the occupant as part of the program has agreed to terms impacting a change in lifestyle such as, but not limited to, abstinence from drugs or alcohol, attendance at counseling, school, parenting classes or similar programs, gainful employment, or therapy.

2 Definition; Tenant. Amend RSA 540-A:1, II to read as follows:

II. "Tenant" means a person to whom a landlord rents or leases residential premises, including manufactured housing or a space in a manufactured housing park, **but shall not include occupants of places set forth in RSA 540:1-a, IV.**

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill excludes rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of the landlord/tenant laws.

HB 360, prohibiting discrimination in rental housing based on receipt by a tenant of a federal rent subsidy. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: The committee generally agreed that the qualification for a federal rent subsidy ought not to be elevated to the status of a civil right. The committee did feel that testimony on this and other low-income tenant/landlord questions required further consideration and the committee intends to address this subject in other forthcoming legislation. Vote 13-4.

HB 361, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: The committee heard testimony on several bills dealing with landlord/tenant issues (HB 360, HB 361, HB 362, HB 363, and HB 364). It was the unanimous vote of the committee to use HB 361 to study the range of landlord/tenant issues and come back with recommendations in the 1998 session. Vote 17-0.

HB 363, relative to venue for actions against tenants. INEXPEDIENT TO LEGISLATE

Rep. Deborah L. Woods for Judiciary and Family Law: This is one of several bills dealing with landlord/tenant issues. The committee, is recommending re-referral of another one of these bills HB 361. It is the committee's intention to use HB 361 as a vehicle to review the issues raised in this and other related bills. Vote 17-0.

HB 364, relative to interest or penalty charges for failure to pay rent. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill seeks to prohibit the imposition of interest or penalty payments against a tenant for failure to pay rent until 30 days after such rent shall have been due. This bill was one of a number of bills presented to the committee related to statutes and issues between landlord and tenants. The committee intends to address the issue presented in this bill, along with all other landlord tenant related issues, when it establishes a committee to study HB 361 which the committee has re-referred for study Vote 17-0.

HB 131, relative to notification regarding workers' compensation coverage for subcontractors. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services This bill would have required the insurance carrier for a subcontractor's workers' compensation insurance to notify the contractor to which a Certificate of Insurance was issued in the event the subcontractor's insurance is canceled. In speaking with various general contractors around the state it was their sentiment the current law of the insurance carrier notifying the subcontractor in the event of cancellation was appropriate. The main thrust would still have general contractors responsible for monitoring their own subcontractors' insurance policies. The Committee felt it was unnecessary to change the existing law based on the limited amount of testimony and statewide complaints. Vote 19-0.

HB 134, clarifying the distinction between homeworkers and independent contractors for the purposes of unemployment compensation. INEXPEDIENT TO LEGISLATE

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The Committee and original sponsor agreed the wording of the bill did not accomplish what the sponsor intended. Vote 19-0.

HB 284, establishing a study committee on the feasibility of combining the department of labor and the department of employment security. INEXPEDIENT TO LEGISLATE

Rep. Robert Clegg for Labor, Industrial and Rehabilitative Services: The Committee felt in the absence of any known problems, no study was necessary. In addition, the original sponsor requested the bill be Inexpedient to Legislate. Vote 18-1.

HB 339, establishing a freedom of employment association act. INEXPEDIENT TO LEGISLATE

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: The Committee unanimously felt the bill is too broad in scope and in part would fall beyond legislative authority. Vote 19-0.

HB 206-FN-L, requiring trailers and recreational vehicles used for storage or habitation to be either registered under the motor vehicle laws or subject to local property tax. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee felt that it would be impossible to police the registration of these trailers as vehicles, and that they don't fall within the definition of property usually subject to property tax. The committee also felt that the problem of old, rundown trailers was a local zoning issue which could be addressed under current law. Vote 13-1.

HB 228, relative to the definition of "club-veterans" under the liquor laws. OUGHT TO PASS WITH AMENDMENT

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee received an amendment from the sponsor which corrected terminology in the basic bill relative to discharges from the armed forces. The bill, as amended, revises the definition of "club veterans" to simply reflect service in the armed forces with no time limit specified. Existing law is otherwise unchanged. Vote 15-0.

Amendment (0125h)

Amend RSA 175:1, XXII as inserted by section 1 of the bill by replacing it with the following:

XXII. "Club-veterans" means a facility operated under the authority of a group of individuals , incorporated under the laws of this state, and which may be affiliated with any national organization, whose members comprise persons who served [for not less than 90 days] in the armed forces of the United States during any war in which the United States was engaged, and received an honorable discharge from such service. The premises occupied by the club, whether owned or leased, shall not have been operated for pecuniary gain. The club shall be for the use of members and their guests and the property and fixtures of the club shall belong to the members. The members shall have the right to vote in club affairs and run for office.

HB 373, establishing a committee to study the feasibility of implementing alternative local taxes for funding of education. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee had a stimulating hearing on this bill. The funding of local education is a subject that has attracted, and continues to attract, strong attention. HR 62 instructs the house finance committee to study alternatives to funding public primary and secondary education and to report by Nov. 1, 1997. This bill would establish a committee to study the feasibility of implementing alternative local taxes by funding education and to report by Nov. 1, 1997. The committee felt that the purpose of this bill can be addressed more broadly in HR 62 and that this bill was therefore, unnecessary. Vote 16-1.

HB 423-L, relative to the elderly exemption from the property tax. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Local and Regulated Revenues: A completely revised elderly exemption law will be voted on at local meetings in 1997 and will go into effect on Jan. 1, 1998. It allows municipalities to tailor the exemption to the needs of their individual communities. The committee believes the new statute should be allowed to work before more changes are proposed. Vote 17-0.

HB 432, increasing the wager limit on games of chance from \$1 to \$5. RE-REFER TO COMMITTEE

Rep. Douglass P. Teschner for Local and Regulated Revenues: The bill, as originally proposed, would raise the bet limit at "Monte Carlo" nights conducted by charities from \$1 to \$5. The committee became concerned at hearing both testimony and subsequent information in executive session that the current law is not followed at some of these events. Questions about enforcement of charitable gambling were reinforced by press reports of an audit of a bingo charity in Rockingham county. The committee voted unanimously to re-refer this bill to consider thoroughly all the issues related to charitable gambling. Vote 17-0.

HB 510, relative to delivery of beverages by wholesale distributors. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner for Local and Regulated Revenues: The sponsor requested that the bill be withdrawn, and the committee obliged. Vote 17-0.

HB 302, renaming Scott Pond in the town of Fitzwilliam, N.H. as West Scott Pond and East Scott Pond. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: This bill as introduced renames Scott Pond in Fitzwilliam, NH as West Scott Pond and East Scott Pond. It was originally felt this was necessary because it has

been designated West Scott Pond by the Department of Safety. The sponsors now realize this legislation is not necessary. They asked that the bill be voted out as inexpedient to legislate. Vote 15-0.

HB 309, increasing the time for a local legislative body to act on a proposed interim zoning regulation. OUGHT TO PASS

Rep. Betsey L Patten for Municipal and County Government: Under the growth management and interim regulations in RSA 674: 22&23 the posting date of the interim regulations starts the counting time by a local land use board to put the regulations before the local legislative body for a vote. Having no later than 90 days, instead of the current 45 days, to act on the interim regulations gives the land use board adequate time for legal posting, public hearings and possible reprint of the proposed interim regulations. Vote 15-0.

HB 126-FN-L, repealing road toll refunds for retail dealers. RE-REFER TO COMMITTEE

Rep. Katherine D. Rogers for Public Works and Highways: This bill would repeal the road toll refund of 1% presently afforded gasoline dealers. The 1% originally was awarded as recognition of shrinkage in the dispensing of petroleum products. With current vapor recovery technology, the issue of shrinkage is questionable. The committee believes that further study of this issue is warranted. If passed, this bill could increase the state highway fund revenue by as much as \$656,655 in FY 98 and each year thereafter, however, the cost to dealers could be extremely high (loss due to expensive vapor recovery equipment and loss of rebates.) The committee wants to study what is being done across the country and gain some objective scientific information on this topic. Vote 16-0.

HB 208-L, relative to the status of county highways which are being maintained by towns. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W Schotanus for Public Works and Highways: The amendment replaces the original language of the bill and fills a gap in the road classification statutes to legally clarify the status of "county" roads laid out by courts or county commissioners prior to the time the state's modern road classification system was established. Vote 18-0.

Amendment (0178h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the status of roads laid out by the courts of common pleas or the county commissioners.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Roads Laid Out by Court of Common Pleas or County Commissioners. Amend RSA 229 by inserting after section 5 the following new section:

229:6 Roads Laid Out by Courts of Common Pleas or County Commissioners. All roads laid out by the courts of common pleas or the county commissioners, which have not been maintained by them for at least 20 years, are town-owned rights-of-way and are legally subject to the actions of the town's legislative body.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes that all roads laid out by the courts of common pleas or the county commissioners which have not been maintained by them for at least 20 years, are town-owned rights-of-way and are legally subject to the actions of the towns legislative body.

HB 347-FN-A, relative to landscaping at Weirs Beach in Laconia and making an appropriation therefor.
INEXPEDIENT TO LEGISLATE

Rep. Paul I. LaMott for Public Works and Highways: This bill was found inexpedient because the Department of Transportation Railroad Fund has sufficient funds to accomplish some of the tasks required by this bill. Additionally, the department has assured the committee of its willingness to work with the city of Laconia on the problem of fencing of landscaping the railroad right of way near Endicott Park in Weirs Beach. Vote 19-0.

HB 307, relative to the adoption of local river corridor management plans by planning boards. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This bill as amended modifies the adoption process for local River Corridor Management Plans. These plans will now be linked to other local planning efforts. There are no regulatory consequences. Vote 15-0.

Amendment (0206h)

Amend the bill by replacing section 1 with the following:

1 Adoption of Local River Corridor Management Plans. Amend RSA 483:8-a, III(c) to read as follows:

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. ~~[Such adoption shall be subject to the approval of the municipal legislative body of the affected municipalities.]~~ ***The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.***

AMENDED ANALYSIS

This bill allows a local planning board or governing body to adopt local river corridor management plans as part of the local master plan if certain requirements are met.

HB 254, relative to shared tenant telecommunication services. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: Shared tenant services are telecommunication services often provided by a landlord or other business entities to tenants within a complex or building. Currently the Public Utilities Commission has no authority to regulate such services. Passage of this bill will give limited regulatory authority to the Commission, only concerning rate disclosure by shared tenant service providers and number retention by entering or departing tenants. The Commission is not given authority to set rates. Vote 17-0.

Amendment (0261h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Shared Tenant Services; Commission Jurisdiction. Amend RSA 374 by inserting after section 22-g the following new subdivision:

Shared Tenant Services

374:22-h Definitions. In this subdivision:

I. "Number retention" means the ability of a telephone service customer to retain that customer's direct inward dialing telephone number at the same location, or a different location served by the central office that provides private branch exchange service to the shared tenant services provider, when switching service providers.

II. "Private branch exchange" means a telephone switch that can switch voice and data communications among the users of such switch, to the local telephone utility's central office or directly to inter-exchange carriers.

III. "Shared tenant services" means voice and data communications services under which tenants at a single building, business park, office park, or mall are provided with such services through a private branch exchange.

374:22-i Shared Tenant Services Authorized; Limited Regulation.

I. The public utilities commission shall authorize the provision of shared tenant services by providers meeting the minimum requirements established by the commission to operate shared tenant services networks.

II. Providers of shared tenant services shall be subject to the following limited regulation by the commission:

(a) Providers of shared tenant services shall disclose to tenants and prospective tenants all pricing information relative to their services in the manner prescribed by the commission.

(b) Providers of shared tenant services shall disclose to tenants and prospective tenants that they can at their option obtain basic exchange and other service from an authorized local telephone utility rather than from the shared tenant services provider.

(c) Without penalty and in accordance with the rules of the commission, telephone number retention and access to telecommunications services shall be permitted by providers of shared tenant service and authorized local telephone utilities into and out of shared tenant services properties.

(d) The commission shall have jurisdiction to hear matters pertaining to the unauthorized provision of shared tenant services, violations of commission rules relating to shared tenant services, and customer complaints against shared tenant service providers.

374:22-j Rulemaking. The public utilities commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. Minimum requirements for shared tenant services, including disclosure of available options and terms and prices of shared tenant services.

II. Customer access to services of authorized local telephone utilities.

III. Telephone number retention and recovery of costs, if any, associated with number retention.

IV. The charges a local telephone utility establishes for a shared tenant services provider to purchase services for use by the provider's tenants.

V. Procedures for complaints to the commission regarding shared tenant services.

374:22-k Penalty. Any person who violates the provisions of this subdivision shall be subject to a civil penalty not to exceed \$1,000 per day of such violation.

2 New Section; Exemption from Public Utility Regulation. Amend RSA 362 by inserting after section 362:3-a the following new section:

362:3-b Shared Tenant Services. Authorized providers of shared tenant services as defined in RSA 374:22-h shall not be deemed to be telecommunications carriers within the meaning of the Communications Act of 1934 or public utilities within the meaning of this title.

3 Effective Date. This act shall take effect January 1, 1998.

HCR 4, petitioning the Congress of the U.S. to propose an amendment to the Constitution of the U.S. for submission to the states to establish a mechanism for nullification of federal laws and regulations when the states determine that such laws or regulations exceed the authority of the federal government under the Constitution of the U.S. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: The federal government enacts laws and regulations which are passed on the states for enactment. If the state finds that these laws or regulations are not applicable or unenforceable it now has a mechanism to change them. It can petition the Congress, the courts or the regulatory agency. Vote 14-0.

HCR 6, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to provide the states a method of offering amendments to the Constitution of the United States. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Clark for State-Federal Relations and Veterans Affairs: The committee feels a proper mechanism exists for states to initiate congressional actions to amend the Constitution. Vote 14-0.

HCR 7, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. RE-REFER TO COMMITTEE

Rep. Thomas A. Varrell for State-Federal Relations and Veterans Affairs: This resolution shows a degree of merit since it essentially addresses the constant violations of our 10th amendment by the federal government. Since time is of the essence with regard to this House Concurrent Resolution, the committee wishes to work further to see if some of the apparent problems with this bill can be resolved. Vote 14-0.

HB 304-L, relative to permitting local law enforcement agencies to receive grants-in-aid from the bureau of trails for enforcement of public trail restrictions. INEXPEDIENT TO LEGISLATE

Rep. Ralph L. Akins for Transportation: The trails grant-in-aid program money is a separate account funded by OHRV registration fees. These funds are designated to be used solely for trail grooming, maintenance and construction. The money is needed to maintain a statewide trail system for safe operational condition, and is already in very short supply. The committee felt that adding the proposed new use was not in keeping with the intent of this funds purpose, and would also greatly reduce the money available for which these funds are needed. Vote 13-1.

HB 357-FN, requiring the director of motor vehicles to recommend vehicle light use during any period windshield wipers are in operation during inclement weather. INEXPEDIENT TO LEGISLATE

Rep. Michael P. Kelly for Transportation: The committee found considerable merit to issues surrounding general safety and avoidance of personal injury. However, the committee felt that manufacturers were already introducing this feature in new models, making this bill a moot issue. Finally, this proposed legislation is preempted by Federal law. Daytime running lights are optional by Federal Standard #108. Vote 13-0.

HB 419, requiring daytime running lights on motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. Robert Letourneau for Transportation: It was the unanimous decision of the committee that this law would not be in the best interest of the motoring public because of several compelling reasons. First, the enforcement would be very difficult, not only on the citizens of New Hampshire but on the many people who come from out of state to live here may not be able to comply with this law. Second, the committee felt that the manufacturers were already starting to include this feature in new models so it would be a moot point and a waste of state resources. Finally, this proposed legislation is preempted by federal law. Daytime running lights are made explicitly optional by Federal Standard #108, and as such they cannot be rendered mandatory by state authority. Vote 15-0.

HB 390, relative to quarantine of captive wildlife. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill grants the state veterinarian the authority to quarantine captive wildlife when he has reason to believe that they may be infected with a contagious or infectious disease. The same authority the state veterinarian now exercises over domestic animals and some specific wild animals in captivity, such as deer and elk. This law is necessary to protect our states wildlife resources as well as our citizens from some rather exotic diseases. The amendment changes the effective date to "upon passage". Vote 14-0.

Amendment (0254h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

REGULAR CALENDAR

HB 157, prohibiting certain inducement practices in offering small consumer loans. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: The purpose of this legislation is to give added protection to people who are recipients of unsolicited checks from finance companies, which in truth, turn out to obligate the receiver of the check to pay the face value of the check plus interest, usually at very high rates. Vote 18-1.

Amendment (0169h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Inducement Checks Disclosure. Amend RSA 399-A:3 by inserting after paragraph VIII the following new paragraph:

IX. No licensee shall induce any potential borrower to enter into a closed-end loan agreement without including the following information clearly printed on the endorsement side of the check:

(a) A statement which reads, "By endorsing this check, you become legally liable for repaying all moneys, including interest, as specified in the following loan agreement/disclosure statement;"

(b) The amount financed;

(c) The annual percentage rate;

(d) The number of installments; and

(e) The amount of each installment payment.

AMENDED ANALYSIS

This bill requires persons marketing small consumer loans by offering inducement checks to print on each check a disclosure regarding the loan which will result from endorsing the check.

Adopted.

Report adopted and ordered to third reading.

HB 292-L, limiting the damages which may be received by an uninsured motorist from an insured motorist's automobile liability coverage. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Krueger for Commerce: The effect of this bill if enacted, would allow an insured motorist, who was at fault in an accident causing bodily injury to an uninsured vehicle, not be responsible for those injuries to that uninsured motorist. No matter where we travel in these United States, if we cause an accident resulting in bodily injury, every court in the land would find us liable for those injuries because we were at fault. We cannot allow a negligent insured motorist to avert the responsibility for bodily injury to another person just because that injured person was in an uninsured vehicle. Vote 16-3.

Adopted.

HB 398, allowing Delta Dental Plan of New Hampshire to issue plans to individuals. OUGHT TO PASS

Rep. Toni M. Crosby for Commerce: This bill allows Delta Dental Plan of NH to market and issue dental insurance to individuals. Individuals unable to purchase group dental through their employer would now be able to purchase an individual dental plan. Dental and oral diseases may well be the most prevalent and preventable conditions affecting NH citizens. Having dental insurance promotes good dental health.. Vote 18-0.

Adopted and ordered to third reading.

HB 229-FN-A-L, establishing a reading recovery training program and making an appropriation therefor. OUGHT TO PASS

Rep. Robert H. Guest for Education: Reading recovery is an early intervention program which provides intensive instruction by specially-trained teachers to first-grade pupils who are at risk of reading problems.

The demand at the local level for expanding the program has grown to where two more teacher leaders are needed. This state appropriation pays for these teacher leaders. The school districts pay salaries and benefits of the teachers who train the children. The state department of education coordinates the program. More than 88 school districts opted to join the program in the past year. The program is voluntary on the part of school districts and parents. Vote 16-3.

Adopted and referred to Finance.

HB 262-FN-A-L, establishing a National Information Infrastructure oversight committee, authorizing the department of education to hire a technology consultant, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Jane O'Hearn for Education: The legislation establishes a National Information Infrastructure oversight committee for the purpose of developing and implementing a technology plan for New Hampshire secondary schools. The development of this plan is necessary to insure that all New Hampshire secondary schools have access to the Internet. The amendment addresses the consultant, who shall now come from qualified staff in the Department of Education. This legislation is a result of a 1996 interim study. Vote 15-3.

Amendment (0153h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a National Information Infrastructure oversight committee.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall oversee the department of education which shall develop and implement a secondary school National Information Infrastructure technology plan using qualified staff from the department of education. The committee shall also determine the means of funding such plan.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

AMENDED ANALYSIS

This bill establishes a National Information Infrastructure oversight committee to oversee the department of education in developing and implementing a secondary National Information Infrastructure school technology plan.

Adopted.

Report adopted and ordered to third reading.

HB 149-FN, relative to the regulation of the profession of physical therapy. OUGHT TO PASS WITH AMENDMENT

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill as amended removes the oversight of physical therapy from the board of medicine and establishes the New Hampshire board of physical therapy to regulate physical therapists and specifies the board's rulemaking authority. The board will have rulemaking authority under RSA 541-A which will include investigatory process, hearing and disciplinary process relative to physical therapy. Vote 17-0 .

Amendment (0162h)

Amend RSA 328-A:9, I as inserted by section 4 of the bill by replacing it with the following:

I. The board shall undertake disciplinary proceedings upon its own initiative or upon written complaint of any person who alleges that a person licensed by the board has committed any of the following:

(a) Knowingly provided false information during any application for professional licensure or institutional practice privileges, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Engaged in dishonest or unprofessional conduct or has been grossly or repeatedly negligent in practicing physical therapy or in performing activities ancillary to the practice of physical therapy or any particular aspect or specialty of physical therapy or harmed a patient as a result of performing those activities.

(c) Displayed a pattern of behavior which is incompatible with the basic knowledge and competence expected of persons licensed to practice physical therapy or any particular aspect or specialty of physical therapy.

(d) Employed or allowed an unlicensed person to practice physical therapy in the licensee's place of practice.

(e) Included in advertising any statement tending to deceive or mislead the public.

(f) Has been convicted of any criminal act under the laws of the United States or any state.

Amend RSA 328-A:9-a, IV(a) as inserted by section 5 of the bill to by replacing it with the following:

IV.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records, as provided in paragraph VI, may be issued at any time.

Amend RSA 328-A:9-a, V-IX as inserted by section 5 of the bill by replacing them with the following:

V. Prior to the issuance of any subpoena by the board, the department of justice shall review it and have the oversight and responsibility to ensure that such subpoena is properly served. The board shall reimburse the department of justice for any extraordinary costs incurred in connection with the review of subpoenas.

VI. The board may at any time subpoena medical records from its licensees and from hospitals and other health care providers licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. At least 15 calendar days' notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VII. All licensees shall notify the board of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee.

VIII. The board may at any time require a licensee or license applicant to provide a detailed, good faith written response to allegations of possible professional misconduct being investigated by the board. The board may also require the licensee or applicant, or the facility or institution in which the licensee or applicant practices physical therapy, to provide the board with complete copies of records concerning any patient whose treatment may be material to allegations of possible professional misconduct being investigated by the board. Licensees and applicants shall respond to either type of request within 15 calendar days from the date of the request, or within such greater time period as the board may specify.

IX. Any person may file a written complaint with the board which charges that a licensee or license applicant has engaged in professional misconduct or should not be licensed. Such complaints shall be treated as petitions for the commencement of disciplinary proceedings, shall be investigated by the board, and shall be exempt from the time limitations of RSA 541-A:29. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant provided that material facts are not in dispute and the complainant is given an opportunity to comment on the terms of the proposed settlement.

Amend RSA 328-A:9-c as inserted by section 5 of the bill by replacing it with the following:

328-A:9-c Temporary Suspension; Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be in writing and combined with a hearing notice which

complies with RSA 328-A:9-b. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension equal to the additional time extended.

Amend RSA 328-A:14, IV as inserted by section 6 of the bill by replacing it with the following:

IV. Establishing standards and procedures for the approval of education programs and establishing continuing education requirements.

Amend RSA 328-A:14, IX as inserted by section 6 of the bill by replacing it with the following:

IX. How an applicant shall be examined.

Amend RSA 328-A:14, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Publishing a schedule of administrative fines under RSA 328-A:9, II(f).

Adopted.

Rep. Mirski spoke against.

Rep. Beaulieu spoke in favor.

Report adopted and ordered to third reading.

HB 197-FN, relative to the regulation of wetland scientists. OUGHT TO PASS WITH AMENDMENT

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill establishes qualifications for the certification of wetland scientists and places them under the Board of Natural Science. This certification is to protect the citizens of New Hampshire and the profession from unqualified practitioners of wetland science. This bill will increase the number of qualified scientists available to certify wetlands for local boards and commissions. Both soil scientists and wetland scientists are in support of this legislation as is the State Planning Department, the Department of Environmental Services and the Municipal Association. Vote 17-0.

Amendment (0186h)

Amend RSA 310-A:75 as inserted by section 1 of the bill by replacing it with the following:

310-A:75 Purpose. The general court finds it in the best interests of the citizens of the state of New Hampshire to establish the board of natural scientists **to certify** and **regulate** the ~~[profession]~~ **professions** of soil scientists **and wetland scientists**. This certification is to guard the citizens of New Hampshire and the ~~[profession]~~ **professions** from unqualified practitioners of soil science and **wetland science** **and** to foster intelligent application of the knowledge of soil properties **and wetland characteristics** in planning and implementing land use decisions **consistent with New Hampshire department of environmental services rules or standards adopted by the board**.

Amend the bill by replacing section 3 with the following:

3 Reference; Definition Modified. Amend RSA 310-A:76, II to read as follows:

II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience, as specified by RSA 310-A:84, **I and II**, is qualified to ~~[practice soil science,]~~ **identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil**

Survey, or standards adopted by the New Hampshire department of environmental services, or standards adopted by the board, and who has been duly certified by the board.

Amend RSA 310-A:76, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. "Certified wetland scientist" means a person who, by reason of their special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries ***and prepare wetland maps*** in accordance with standards for identification of wetlands adopted by the ~~[commissioner]~~ ***New Hampshire department*** of environmental services or the United States ***Army*** Corps of Engineers or its successor, and who has been duly certified by the board.

Amend RSA 310-A:79, IV as inserted by section 8 of the bill by replacing it with the following:

IV. The determination of a hydric soil boundary or test pit evaluation to the extent permitted pursuant to RSA 485-A:35 for the purposes of septic system design or subdivision application pursuant to RSA 485-A or rules adopted under RSA 485-A. ***For this work, a municipality shall not require qualifications different from those established pursuant to RSA 485-A:35.***

Amend the bill by replacing all after section 11 with the following:

12 Board Quorum Modified. Amend RSA 310-A:81, V to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members shall constitute a quorum.]~~ ***A quorum of the board shall consist of at least 4 members.***

13 Board's Responsibilities Regarding Roster Modified. Amend RSA 310-A:81, VII to read as follows:

VII. The secretary of the board shall ~~[publish]~~ ***provide, upon request,*** a roster listing the names and places of business of all soil scientists ***and wetland scientists*** certified under this subdivision by the board ~~[during February of each even-numbered year]~~. Copies of this roster shall be ~~[mailed to each person so certified,]~~ placed on file with the secretary of state~~;~~ and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

14 Rulemaking Authority for Qualifications Modified. Amend RSA 310-A:82, II to read as follows:

II. The qualifications of applicants ~~[in addition to those requirements]~~ under RSA 310-A:84, ~~[including]~~ ***and*** satisfactory evidence of good professional character.

15 Eligibility for Certification as Soil Scientist Modified. Amend the introductory paragraph of RSA 310-A:84, I to read as follows:

I. To be eligible for certification as a soil scientist, a person shall be of high ethical professional standards, have successfully passed an examination designed to determine the person's proficiency and qualifications, ***including references to soil characteristics in the New England region,*** to be engaged in the practice of soil science, and shall have one of the following qualifications:

16 Soil Scientist Qualifications for Certification Modified. Amend RSA 310-A:84, I(c) to read as follows:

(c) Be a graduate of an accredited college curriculum leading to a baccalaureate or associate degree, ***or have earned the equivalent number of credits***, and have a specific record of an additional 6 or more years in the practice of soil science.

17 New Paragraphs; Qualification for Certification Added. Amend RSA 310-A:84 by inserting after paragraph II the following new paragraphs:

II-a. To be eligible for certification as a wetland scientist, a person shall meet the ethical standards as established in this chapter, have successfully passed an examination designed to determine proficiency and qualifications, ***including references to wetland characteristics in the New England region***, to be engaged in the practice of wetland science, shall have ***satisfactorily completed*** a minimum of one year full-time experience in the practice of wetland science, and shall have a minimum of 24 combined ***credit or non-credit*** semester hours from any of the following environmental sciences: botany, soil science, hydrology, wetland science, biology, forestry, wildlife, ecology, water resources, plant science, agronomy, geology, or earth science.

II-b. Experience in the practice of wetland science shall be actual field experience gained in an acceptable apprenticeship program.

18 Apprenticeship Eligibility Modified. Amend RSA 310-A:85 to read as follows:

310-A:85 Apprentice.

I. To be eligible for recognition as an apprentice soil scientist, a person shall have the following qualifications:

[I.] ***(a)*** Be of responsible character;

[II.] ***(b)*** Have completed the formal education under RSA 310-A:84, I; and

[III.] ***(c)*** Be in training to become a certified soil scientist and be engaged in the practice of soil science under the direct supervision of a certified soil scientist who is performing soil science work.

II. To be eligible for recognition as an apprentice wetland scientist, a person shall have the following qualifications:

(a) Be of responsible character;

(b) Have completed the formal education under RSA 310-A:84, IIa; and

(c) Be in training to become a certified wetland scientist and be engaged in the practice of wetland science under the direct supervision of a certified wetland scientist who is performing wetland science work.

19 Paragraph Order Modified; Specifications for Applications to be Approved Added. RSA 310-A:86, II-III are repealed and reenacted to read as follows:

II. Any person who has successfully passed the examination or has otherwise qualified as a certified soil scientist, apprentice soil scientist, certified wetland scientist, or apprentice wetland scientist, shall, upon payment of a fee, be issued a certificate attesting that the applicant is a certified soil scientist, apprentice soil scientist, certified wetland scientist, or apprentice wetland scientist.

III. Applications ***that meet the requirements of RSA 310-A:84*** shall be approved.

20 Certificates Modified. Amend RSA 310-A:87 to read as follows:

310-A:87 Certificates. Certificates shall show the full name of the certified soil scientist ~~[or]~~, apprentice soil scientist, **certified wetland scientist, or apprentice wetland scientist**, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. Each certified soil scientist **or certified wetland scientist** shall obtain a seal of the design authorized by the board bearing the name of the certified ~~[soil scientist]~~ **individual**, the legend "Certified Soil Scientist" **or "Certified Wetland Scientist, as appropriate**, and a place for the certified ~~[soil scientist's]~~ **individual's** signature. Plans and reports prepared by a certified ~~[soil scientist]~~ **individual** shall be stamped with the seal and signed by the certified ~~[soil scientist]~~ **individual** during the life of the certificate.

21 Provision for Renewal of Certificate Modified. Amend RSA 310-A:89 to read as follows:

310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each certified ~~[soil scientist]~~ or apprentice ~~[soil scientist]~~ **individual** one month prior to expiration of such certificate.

22 Board's Rulemaking Authority Modified. Amend RSA 310-A:92, I(d)-(e) to read as follows:

(d) Biennial renewal for **individuals** certified ~~[soil scientist]~~ **under this subdivision**.

(e) Application for certification as an apprentice soil scientist **or apprentice wetland scientist**.

23 Misconduct Sufficient to **Support** Disciplinary Proceedings Modified. Amend RSA 310A:93, II(c)-(d) to read as follows:

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of soil science **or wetland science**.

(d) Unfitness or incompetency by reason of ~~[negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the professional expertise of the certified soil scientist]~~ **negligence or willful misconduct by a certified soil scientist or certified wetland scientist in the performance of professional duties**.

24 Scope of Penalty Application Expanded. Amend RSA 310-A:95 to read as follows:

310-A:95 Violations; Penalties. Any person who practices or offers to practice soil science **or wetland science** in this state for others without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified soil scientist **or certified wetland scientist**, or any person who attempts to use an expired or nonexistent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if ~~[a business organization]~~ **any other person**.

25 Terminology Modified. Amend RSA 310-A:96 to read as follows:

310-A:96 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:95 on proceedings brought by the attorney general, the board, or any society of ~~[licensed]~~ **certified** soil scientists **or certified wetland scientists** duly incorporated under the laws of this state.

26 Active Wetland Scientists. Any person who, on the effective date of this section, is actively engaged in the practice of wetland science, as described in RSA 310-A:76, may apply, for one year after the board's adoption of rules relative to wetland scientists, to the board for certification without examination. The board shall approve such application, provided the applicant meets the requirements under RSA 310-A:84, II-a. Workshops in any of the referenced environmental sciences will be counted towards the combined semester hours. Twelve and one-half hours

of study in a workshop, credit, or non-credit course relates to one semester hour. The board may waive 6 combined credit or non-credit semester hours for each one year of experience. A total of 18 combined credit or non-credit semester hours may be exchanged for a total of 3 years' experience.

27 Transition Period of the Board. The first 2 soil scientists to complete their current terms shall be replaced by the wetland scientist members of the board. The 2 additional public members shall be appointed no later than 60 days after the effective date of this act.

28 Repeal. The following are repealed:

I. RSA 310-A:93, II(f), relative to mental or physical incompetency to practice soil science constituting misconduct.

II. RSA 310-A:91, relative to waiver of examination requirements for certain soil scientists.

29 Effective Date. This act shall take effect July 1, 1997.

Adopted.

Report adopted and referred to Finance.

HB 259-FN, requiring all state forms requesting racial or ethnic status to allow for or include a biracial or multiracial option. INEXPEDIENT TO LEGISLATE

Rep. Kipp A. Cooper for Executive Departments and Administration: While the committee was sympathetic to the intent of the sponsor, it was discovered that most, if not all, forms used by the state requiring this information are mandated by the federal government. Any change to these state forms could result in the loss of federal funds. It was also discovered that the federal government is currently studying the issue of adding more racial and ethnic categories to forms requesting this information. Vote 15-2.

Adopted.

HB 278, relative to the doctrines of adverse possession and prescription. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Deborah L. Woods for the Majority of Judiciary and Family Law: Wrongful taking of land by adverse possession is not a problem in New Hampshire. People are not intentionally encroaching on their neighbor's land in the hopes that they will own it after 20 years. Most parcels of land in New Hampshire are described by metes and bounds. Many of these descriptions are at least decades old and the properties have never been professionally surveyed. It is virtually impossible in some cases to determine title boundaries. If a dispute arose, this law may be the only way to solve the dispute. This common sense common law still serves a purpose in our state and should not be repealed. Vote 11-1.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: Adverse possession is a means of taking possession of another's land by wrongfully occupying it for 20 years or more; often known as squatter's rights. Prescription is acquiring easements or right of ways over another's land after 20 years. These are old case laws (not statute) that were useful during colonial expansion. The laws encouraged colonists to till and lay claim to unproductive soil thereby expanding the empire. Manifest Destiny is behind us. These laws do more damage than good today by allowing neighbors to encroach upon another with the prospect of free ownership after 20 years if the rightful owner does not eject them or show proof of permission. The state and towns can purchase property they need by eminent domain. The state, towns and railroads have found it important to protect themselves by statute from adverse possession and prescription and so too should New Hampshire citizens.

Adopted.

HB 323, establishing a right to work act which provides for freedom of choice on whether to join a labor union.
WITHOUT RECOMMENDATION

Rep. Robert E. Clegg for Labor, Industrial and Rehabilitative Services: When an employer signs a Union Security clause, it sets in place a policy by which the employer requires, as a condition of employment, that money be taken from an employee's paycheck to support a private organization (the union). Supporters of this bill feel this practice is discriminatory. No employer should be able to abrogate the rights of his/her employees by such a policy. Supporting the bill: Reps. Gary L. Daniels, Wanda G. McNamara; Robert E. Clegg; Joseph D. Kenney; Lawrence V. Guaraldi; M. Virginia Burke; Richard E. Dolan; Gerard H. Lavoie; Roy D. Maxfield; and George D. Murch III. Vote 10-10.

Rep. Benjamin Baroody for Labor, Industrial and Rehabilitative Services: The only motion on which the Committee voted was Ought to Pass with Amendment. The motion would have failed 9-10, but the Committee Chairman voted and created a tie. In this country, no one can be forced to join or be a member of a labor union. The union must, by law, represent everyone covered by the contract whether they are a member or not. Through Union Security clauses employees can be required to equally share the cost of collective bargaining. This can occur only when the employer agrees to it. This bill would interfere with the rights of employers as well as the employees. Major employers in New Hampshire have consistently opposed this legislation. This bill is not about individual freedom or discrimination. People who have religious objections to joining or paying fees to a union are already protected by law. The bill would allow individuals to get all the benefits of the contract without paying for them and put into law the practice of protecting free-loaders. Opposing the bill: Reps. Benjamin Baroody; Robert F. Turner; Franklin C. Bishop; Lars T. Christiansen; Edgar H. Mears; Lorraine R. Palmer; Jane P. Kelley; Rebecca C. Hutchinson; Gloria Seldin; and Donald D. Welch. Vote 10-10.

Rep. Daniels moved Ought to Pass with Amendment and offered a floor amendment.

Floor Amendment (0316h)

Amend RSA 273-D:6 as inserted by section 1 of the bill by replacing it with the following:

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

Amend RSA 273-D:11 as inserted by section 1 of the bill by replacing it with the following:

273-D:11 Duty to Investigate. It shall be the duty of the attorney general to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at the attorney general's command to insure effective enforcement of the provisions of this chapter.

Rep. Daniels spoke in favor.

Adopted.

Reps. Mears, Dickinson and Turner spoke against and yielded to questions.

Reps. Larrabee, Murch and Daniels spoke in favor and yielded to questions.

Rep. Turner requested a roll call; sufficiently seconded.

The question being the adoption of the amended committee report.

YEAS 157 NAYS 193**YEAS 157****BELKNAP**

Boyce, Robert Golden, Paul Holbrook, Robert Hurt, George

Laflam, Robert Lawton, David Lawton, Robert Pilliod, James

Rice, Thomas, Jr. Rosen, Ralph Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr.

Bradley, Jeb

Chandler, Gene

Cooper, Kipp

Howard, Godfrey

Kenney, Joseph

Lyman, L. Randy

Mock, Henry

Patten, Betsey

CHESHIRE

Avery, Stephen

Hunt, John

Metzger, Katherine

Royce, H. Charles

Steere, Myron, III

COOS

Pratt, Leighton

Tholl, John, Jr.

GRAFTON

Akins, Ralph

Alger, John

Chase, Paul, Jr.

Cobbin, Philip

Eaton, Stephanie

Hinman, Harry

MacNeil, Allen

Mirski, Paul

Phinney, William

Root, John

Teschner, Douglass

Trelfa, Richard

Weber, Phil

Williams, William, Jr.

HILLSBOROUGH

Alukonis, David

Amidon, Eleanor

Arnold, Thomas, Jr.

Batula, Peter

Belvin, William

Bergin, Peter

Boutin, David

Briefs, Geoffrey

Brundige, Robert

Burke, M. Virginia

Calawa, Leon, Jr.

Carlson, Donald

Carney, Lauren

Clegg, Robert, Jr.

Daniels, Gary

Dokmo, Cynthia

Durham, Susan

Feng, David

Fenton, James

Fields, Dennis

Flora, Kathleen

Golding, William

Goulet, Maurice

Hansen, Herbert

Herman, Keith

Holden, Carol

Holley, Sylvia

Hunter, Bruce

Jean, Loren

Kelley, Robert

Kurk, Neal

LaRose, Richard

Lessard, Rudy

Letendre, Evelyn

Lozeau, Donnalee

Luebker, Bernard

MacGillivray, Jeffrey

MacIntyre, Doris

McGough, Tim

McRae, Karen

Melcher, Harold

Mercer, Robert

Milligan, Robert

Mittelman, David

Morello, Michael

Murch, George

O'Hearn, Jane

Piteri, Dawn

Riley, Frances

Searles, Stanley, Sr.

Thulander, O. Alan

White, Donald

Wright, George

MERRIMACK

Adams, Stephen

Anderson, Eric

Brown, Mary

Chandler, Earle

Colburn, Thomas

Crowell, Peter

Krueger, Patricia

Lamach, Bernard

Langer, Ray

Larrabee, David

Leber, William

Marshall, Kenneth

Maxfield, Roy

Morrill, Olive

Nichols, Avis

Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Carson, Gregory	Dearborn, Bruce	Dolan, Richard
Dowd, Sandra	Dube, LeRoy	Dunham, Vivian	Fesh, Robert
Flanders, David	Francoeur, Sheila	Frechette, Joseph	Gleason, John
Heath, John	Henderson, Warren	Langley, Jane	Letourneau, Robert
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Nowe, Ronald	Noyes, Richard
Raynowska, Bernard	Reardon, Neil	Rubin, George	Simmons, John Anthony
Smith, Kevin	Stickney, Nancy	Stritch, Charles	Tufts, J. Arthur
Varrell, Thomas	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Brown, Julie	Kaen, Naida	McKinley, Robert	Tsiros, William
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SULLIVAN

Adler, Rudolf	Kibbey, David
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NAYS 193

BELKNAP

Boriso, Thomas	Clark, Charles	Salatiello, Thomas	Turner, Robert
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CARROLL

Dickinson, Howard, Jr.	Foster, Robert	MacDonald, Kenneth	Philbrick, Donald
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CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynott, Margaret	Manning, Joseph	Meadar, David
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Smith, Edwin	Vogl, John

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Moynihan, Wayne
St. Hilaire, Paul			

GRAFTON

Almy, Susan	Below, Clifton	Brown, Channing	Copenhaver, Marion
Guest, Robert	Hill, Richard	LaMott, Paul	Lovett, Sidney
Luker, Elsa	Nordgren, Sharon		

HILLSBOROUGH

Allen, W. Gordon	Asselin, Robert	Baroody, Benjamin	Bernier, Shannon
Buckley, Raymond	Cardin, Lori	Chabot, Robert	Christiansen, Lars
Clemons, Jane	Clemons, Kevin, Sr.	Cote, Peter	D'Allesandro, Lou
Desrosiers, William	Drabinowicz, A. Theresa	Dyer, Merton	Emerton, Lawrence, Sr.

Ferguson, Charles	Foster, Joseph	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hart, Nick	Holt, David
Jean, Claudette	Johnson, Lionel	L'Heureux, Robert	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lynde, Harold	MacAuslan, Rita
Martin, Mary	McCarty, Winston	McDonald, James, Sr.	Messier, Irene
Murphy, Robert	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Reidy, Frank	Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve
Welch, Donald	Wheeler, Robert	White, Jay	

MERRIMACK

Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lockwood, Robert
Moore, Carol	Owen, Derek	Pfaff, Terence	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Battles-Peirce, Marjorie	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Cegelis, Mark	Christie, Andrew, Jr.	Clark, Martha
Coes, Betsy	Cooney, Richard	Cushing, Robert	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John, Sr.	Gibbons, Paul
Guthrie, Joseph	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Klemm, Arthur, Jr.	Kobel, Rudolph
Langone, John	McGovern, Cynthia	Micklton, Stephanie	Norelli, Terie
O'Keefe, Patricia	Packard, Sherman	Pantelakos, Laura	Sabella, Norma
Schanda, Frank	Syracusa, Anthony	Vaughn, Charles	Weatherspoon, Jackie

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	Merrill, Amanda	Merritt, Deborah
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Sullivan, Henry	Torr, Ann
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Flint, Gordon	Krueger, Richard	Leone, Richard
Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle	Wiggins, Celestine

and the report failed.

Rep. Hager did not vote and wished to be recorded against.

Rep. McGuirk wished to be recorded against.

Rep. Morris wished to be recorded in favor.

Rep. Turner moved Inexpedient to Legislate.

Adopted.

HB 178-L, limiting property taxes to 3 percent of the fair valuation of property in the city or town. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee unanimously voted this bill inexpedient to legislate after much discussion and debate, and after consideration of a proposed amendment. Although the idea of a 3 percent cap on local property taxes might sound like a good idea, after hearing from many towns and cities, all of whom opposed the bill, the committee decided that this decision should be left to the option of our local cities, towns, and local taxpayers, and should not be mandated by state law. Vote 16-0.

Rep. Steere spoke against.

Rep. Linda Foster spoke in favor

Rep. Mary Brown spoke against and yielded to questions.

Rep. Hess spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 305 NAYS 41

YEAS 305

BELKNAP

Boriso, Thomas	Boyce, Robert	Clark, Charles	Golden, Paul
Holbrook, Robert	Hurt, George	Lawton, David	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Turner, Robert
Ziegra, Alice			

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Foster, Robert	Howard, Godfrey	Kenney, Joseph
Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin
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Doucette, Richard	Hunt, John	Lynott, Margaret	Manning, Joseph
Meader, David	Metzger, Katherine	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Vogl, John		

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Moynihan, Wayne
Pratt, Leighton	Tholl, John, Jr.		

GRAFTON

Akins, Ralph	Almy, Susan	Below, Clifton	Brown, Channing
Chase, Paul, Jr.	Copenhaver, Marion	Eaton, Stephanie	Hill, Richard
Hinman, Harry	LaMott, Paul	Lovett, Sidney	Luker, Elsa
MacNeil, Allen	Mirski, Paul	Nordgren, Sharon	Phinney, William
Root, John	Teschner, Douglass	Trelfa, Richard	Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Asselin, Robert	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergin, Peter	Bernier, Shannon	Boutin, David	Brundige, Robert
Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori	Carney, Lauren
Chabot, Robert	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Daniels, Gary	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A. Theresa
Durham, Susan	Fenton, James	Ferguson, Charles	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Golding, William	Gosselin, Gerald
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Holden, Carol	Holt, David
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leonard, Peter	Lessard, Rudy
Letendre, Evelyn	Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold
MacAuslan, Rita	MacGillivray, Jeffrey	MacIntyre, Doris	Martin, Mary
McCarty, Winston	McDonald, James, Sr.	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Morello, Michael	Murch, George	O'Hearn, Jane	Pepino, Leo
Perkins, Paul	Peterson, Andrew	Piteri, Dawn	Reidy, Frank
Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland
Vaillancourt, Steve	Wheeler, Robert	White, Jay	Wright, George

MERRIMACK

Anderson, Eric	Burney, Carol	Chandler, Earle	Crowell, Peter
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Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Lamach, Bernard
Leber, William	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Morrill, Olive	Nichols, Avis	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles-Peirce, Marjorie
Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn	Camm, Kevin
Carson, Gregory	Case, Margaret	Cegelis, Mark	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Cooney, Richard	Cushing, Robert
Dearborn, Bruce	Dowd, Sandra	Downing, Michael	Dube, LeRoy
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Francoeur, Sheila	Frechette, Joseph	Gibbons, Paul	Gleason, John
Guthrie, Joseph	Heath, John	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McGovern, Cynthia
McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter	Norelli, Terie
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil	Sabella, Norma
Schanda, Frank	Simmons, John Anthony	Smith, Kevin	Stickney, Nancy
Stritch, Charles	Syracusa, Anthony	Tufts, J. Arthur	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Woods, Deborah

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Hemon, Roland	Hilliard, Dana	Kaen, Naida
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
McKinley, Robert	Merrill, Amanda	Merritt, Deborah	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Torr, Ann	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Flint, Gordon	Kibbey, David

Krueger, Richard
Schotanus, Merle

Leone, Richard
Wiggins, Celestine

Lindblade, Eric

Palmer, Lorraine

**NAYS 41
BELKNAP**

Laflam, Robert

Pilliod, James

Veazey, John

CARROLL

None

CHESHIRE

Burnham, Daniel

Robertson, Timothy

Steere,
Myron,
III

COOS

St. Hilaire, Paul

GRAFTON

Alger, John

Cobbin, Philip

Weber,
Phil

HILLSBOROUGH

Briefs, Geoffrey
Clegg, Robert, Jr.
Hart, Nick
Leishman, Peter
White, Donald

Burke, M. Virginia
Dyer, Merton
Holley, Sylvia
Mittelman, David

Carlson, Donald
Emerton, Lawrence, Sr.
Jean, Loren
Murphy, Robert

Christiansen, Lars
Feng, David
Lefebvre, Roland
Riley, Frances

MERRIMACK

Adams, Stephen
Langer, Ray

Brown, Mary
Larrabee, David

Colburn, Thomas
Lockwood, Robert

Jacobson, Alf

ROCKINGHAM

Beaulieu, Jon
Moore, Benjamin

Dolan, Richard
Rubin, George

Dowling, Patricia
Varrell, Thomas

Dunham, Vivian

STRAFFORD

None

SULLIVAN

None

and the report failed.

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

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Mary Brown requested that her protest be entered on the Journal.

Considering the fact that property taxes in New Hampshire are doubling every eight years; and considering the fact that rates are rising more than three times the rate of inflation; and considering that there appears to be no prospect of managing and controlling that rate of increase, I feel it is the duty of this legislative body to address the issue on the state level. A property tax cap is one option that should not be dismissed out of hand.

The adverse effects of excessively high property taxes are detrimental to the individual tax payer, to the community whose tax base thus erodes, and ultimately to the economic well-being of this state. It is short-sighted not to at least study this suggestion. To allow property taxes to increase unchecked may ultimately lead to a statewide broad-based tax, ironically the tax we most wish to avoid.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

The Chairman of Local and Regulated Revenues claims this bill would be a mandate: jingling the chain of threatened judicial review to guarantee the people are denied the relief they desire and need. I further adopt by reference Rep. Mary Brown's protest as my own.

HB 471, relative to the method of refund of the road toll paid by private school bus companies. OUGHT TO PASS

Rep. Katherine D. Rogers for Public Works and Highways: This bill would clean-up a process that became muddy last year when New Hampshire entered the International Fuel Tax Agreement (IFTA) and placed the tax on diesel fuel at the pump. It would allow private school bus companies to apply for a refund directly to the NH Department of Safety instead of having to traverse a long and indirect bureaucratic trail that currently exists. Vote 15-2.

Adopted and ordered to third reading.

HR 14, exempting the house committee to study the investigation of the late Judge Fairbanks from the December 13, 1996 deadline for filing legislation. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Rules.: This resolution is unwarranted because no member of the Fairbanks Study Committee requested it. Additionally this does not prevent members from requesting suspension of the Rules in order to file legislation at any time in the future. Vote 10-0.

Adopted.

HB 120-FN, amending certain license fees and making various technical changes to the fish and game laws. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill was the request of the NH Fish and Game Department in an effort to make numerous changes to various licenses and permits. Twenty fees are changed to reflect equity with neighboring states, some are eliminated entirely while others are adjusted to encourage greater sales. This bill is not intended to be a substantial revenue producer but merely a bill to keep licenses and fees current and repeal those which are no longer useful. Vote 15-0.

Amendment (0198h)

Amend the bill by replacing section 3 with the following:

3 Reference to Helper's Requirements Removed. Amend RSA 211:20 to read as follows:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a helper's license which entitles him to have the help of a person in the taking of lobsters or crabs [~~if the helper meets the requirements set forth by RSA 211:23~~]. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which [~~was suspended~~] **is under suspension**. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. The fee for a helper's license is \$10.

Amend the bill by replacing section 6 with the following:

6 References Added; Nonresident Commercial Salt Water License Fee Changed; Helper's License Requirement Removed. Amend RSA 211:49-a, I and II to read as follows:

I. Any person who does not qualify as a resident under RSA 207:1, who takes, possesses, lands, or transports by any method, from or on the waters of this state, regardless of where the catch was taken, any marine species by any method for the purpose of selling the same, shall first procure a valid license from the executive director to do so. A nonresident shall not take [~~lobsters~~] **clam worms, lobster, or crabs, excluding green crabs** from the waters **and from the area** under the jurisdiction of this state. A nonresident shall not take sea urchins **or scallops** unless the state in which such person is a resident provides a reciprocal licensing privilege for residents of this state.

II. The fee for an annual license shall be [~~equivalent to the price of a nonresident license fee in the state from which the operator of the vessel claims residence, but such fee shall be not less than \$200~~] **\$300**. The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers [~~up to 3 in number~~]; provided, however, that helpers shall not be allowed for the taking of sea urchins **or scallops** by diving. [~~An additional annual helper's license shall be possessed for each helper in excess of 3 at a fee of \$10 per license. Said helper's license or licenses may be transferred to any helper employed by the operator.~~]

Amend the bill by replacing all after section 22 with the following:

23 Minors Hunting; Reference to Nonresident Minors Added. Amend RSA 207:2-a to read as follows:

207:2-a Minors Hunting

I. No person shall knowingly permit any minor, **including a nonresident minor**, less than 16 years of age to hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity. In accordance with RSA 626:8, II(b), such person shall be held criminally liable and fully accountable for any damage incurred or for any violations which may be committed by the minor under the age of 16 while hunting using a firearm, bow and arrow, or crossbow and bolt.

II. No minor, **including a nonresident minor**, under the age of 16 shall hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity.

24 Nonresident Hunting License; Nonresident Minors Added. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, **including a nonresident minor**, and wishes to hunt, \$69.50, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

25 Repeal. The following are repealed:

- I. RSA 211:18-b, relative to green crabs.
- II. RSA 211:39-a, relative to wholesale dealer's license of lobsters and crabs.
- III. RSA 214:9, II-a, relative to resident warmwater fishing licenses.
- IV. RSA 214:9, VII, relative to nonresident minor's hunting license.
- V. RSA 214:9, VIII(d), relative to nonresident minor's fishing license.
- VI. RSA 214:9, VIII-a, relative to nonresident warmwater fishing licenses.
- VII. RSA 214:9, XIII(b), relative to group fishing license restrictions.
- VIII. RSA 214:9, XIV, relative to coyote hunting at night licenses.
- IX. RSA 214:30, relative to rights of special licensees.
- X. RSA 214:31, relative to applications for special licenses.

26 Effective Date. This act shall take effect January 1, 1998.

AMENDED ANALYSIS

This bill:

- I. Changes references to green crabs, clam worms, lobster and crab licenses, and helper's licenses.
- II. Adds new provisions clarifying scientific permits and taxidermy permits.
- III. Amends license fees for various retail and wholesale dealers, family fishing licenses, summer camp or educational facility fishing licenses, fur buyers, scientific permits, various commercial and recreational marine licenses, and the super sporting license.
- IV. Adds a minimum age to purchase a license for nonresident fishing.
- V. Changes the fee for a nonresident, commercial salt water license.
- VI. Makes a variety of housekeeping and technical changes to the fish and game laws.
- VII. Repeals the coyote night hunting license, clam worm license, green crab license, wholesale dealer license for lobster and crab, nonresident and resident warmwater fishing license, nonresident minor's hunting license, group fishing license, and special licenses.

This bill is a request of the fish and game department.

Adopted.

Report adopted and ordered to third reading.

HB 200-FN, prohibiting the use of leghold traps and "conibear" traps. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dennis F. Abbott for the Majority of Wildlife and Marine Resources: This bill faced strong opposition from the Fish and Game Department, Farm Bureau, Department of Transportation, NH Wildlife Federation, local officials and a multitude of sportspersons not involved in trapping not to mention the trapping community as well. Testimony offered by supporters of this measure regarding domestic animals, particularly dogs, being captured in traps was compelling, but the severity and frequency of these incidents certainly does not warrant the prohibition of trapping as conducted in this state. Most incidents involving dogs can be attributed to free running animals which are themselves in violation of current laws. Conversely there have been tragic incidents involving injury and death to animals but these occurrences are the exception. There were approximately fourteen reported incidents of animals caught in traps during the preceding six years. Trapping has been and should continue to be a lawful pursuit for it serves a useful purpose as a management tool for controlling wildlife overpopulation and solving nuisance complaints in our growing and complex society. A prohibition regarding the use of traps would also have a significant financial impact on many towns, cities and private citizens. Trapping is also one of the most regulated activities and it is pursued by a diminishing number of sportspersons in this state. And as one individual testified at the all day hearing "most New Hampshire residents oppose laws that restrict their freedoms" and this bill seeks to do that Vote 14-1.

Rep. Shannon L. Bernier for the Minority of Wildlife and Marine Resources: This bill is not anti-trapping. It simply would regulate the two most inhumane trapping devices, the leghold and conibear traps. The cruelest of all, the leghold trap, is still used today by 388 people in New Hampshire. Why? Not because of economic necessity; it no longer exists. Not because of the need for game management; equally as effective and more humane methods now exist. The minority asserts that this is a matter of stopping cruelty.

Reps. Wallin, Katherine Rogers, Bernier and Vaillancourt spoke against.

Rep. Abbott spoke in favor and yielded to questions.

Reps. Pfaff and Mock spoke in favor.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 286 NAYS 57

YEAS 286

BELKNAP

Boriso, Thomas	Boyce, Robert	Clark, Charles	Golden, Paul
Holbrook, Robert	Hurt, George	Laflam, Robert	Lawton, David
Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.	Turner, Robert
Veazey, John	Ziegra, Alice		

CARROLL

Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	DePecol, Benjamin
Hunt, John	Lynott, Margaret	Manning, Joseph	Meador, David

Metzger, Katherine	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin	Steere, Myron, III	Vogl, John	

COOS

Bradley, Paula	Coulombe, Henry	Coulombe, Yvonne	Davis, Perley
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Moynihan, Wayne
Pratt, Leighton	St. Hilaire, Paul	Tholl, John, Jr.	

GRAFTON

Alger, John	Almy, Susan	Brown, Channing	Chase, Paul, Jr.
Cobbin, Philip	Eaton, Stephanie	Hill, Richard	Hinman, Harry
LaMott, Paul	Lovett, Sidney	MacNeil, Allen	Mirski, Paul
Phinney, William	Root, John	Teschner, Douglass	Trelfa, Richard
Weber, Phil	Williams, William, Jr.		

HILLSBOROUGH

Allen, W. Gordon	Alukonis, David	Amidon, Eleanor	Arnold, Thomas, Jr.
Batula, Peter	Belvin, William	Bergin, Peter	Boutin, David
Briefs, Geoffrey	Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald
Carney, Lauren	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.
Cote, Peter	D'Allesandro, Lou	Daniels, Gary	Desrosiers, William
Drabinowicz, A. Theresa	Dyer, Merton	Emerton, Lawrence, Sr.	Feng, David
Fenton, James	Ferguson, Charles	Fields, Dennis	Foster, Joseph
Foster, Linda	Gage, Ruth	Gagnon, Eugene	Golding, William
Gosselin, Gerald	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hansen, Herbert	Hart, Nick	Herman, Keith	Holden, Carol
Holley, Sylvia	Holt, David	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Letendre, Evelyn
Lozeau, Donnalee	Luebker, Bernard	Lynde, Harold	MacGillivray, Jeffrey
MacIntyre, Doris	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mittelman, David	Morello, Michael	Murch, George
Murphy, Robert	Pepino, Leo	Perkins, Paul	Peterson, Andrew
Piteri, Dawn	Reidy, Frank	Riley, Frances	Sargent, Maxwell
Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland	Welch, Donald
Wheeler, Robert	White, Donald	White, Jay	Wright, George

MERRIMACK

Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Daneault, Gabriel	Dunn, Miriam

Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Hager, Elizabeth
Hess, David	Jacobson, Alf	Krueger, Patricia	Lamach, Bernard
Langer, Ray	Larrabee, David	Leber, William	Lockwood, Robert
Marshall, Kenneth	Maxfield, Roy	Morrill, Olive	Nichols, Avis
Owen, Derek	Pfaff, Terence	Reardon, Tara	St. Cyr, Gerard
Whalley, Michael	Whittemore, James		

ROCKINGHAM

Abbott, Dennis	Aranda, M. Kathryn	Arndt, Janet	Battles-Peirce, Marjorie
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Camm, Kevin	Carson, Gregory	Case, Margaret	Cegelis, Mark
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Cooney, Richard
Dearborn, Bruce	Dolan, Richard	Dowd, Sandra	Dowling, Patricia
Downing, Michael	Dube, LeRoy	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Frechette, Joseph
Gibbons, Paul	Gleason, John	Guthrie, Joseph	Heath, John
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	Malcolm, Kenneth
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Norelli, Terie
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil	Rubin, George
Schanda, Frank	Simmons, John Anthony	Smith, Kevin	Stickney, Nancy
Stritch, Charles	Tufts, J. Arthur	Varrell, Thomas	Welch, David
Weyler, Kenneth	Woods, Deborah		

STRAFFORD

Berube, Roger	Bickford, David	Brown, George	Callaghan, Frank
Dunlap, Patricia	Grassie, Anne	Hemon, Roland	Kaen, Naida
Keans, Sandra	Lundborn, Raymond	McKinley, Robert	Merritt, Deborah
Rogers, Rose Marie	Rollo, Michael	Sullivan, Henry	Torr, Ann
Torr, Franklin	Tsiros, William	Wall, Janet	

SULLIVAN

Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Flint, Gordon	Kibbey, David
Krueger, Richard	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Schotanus, Merle			

NAYS 57 BELKNAP

Rosen, Ralph

CARROLL

None

CHESHIRE

Burnham, Daniel

Doucette, Richard

COOS

None

GRAFTON

Akins, Ralph

Copenhaver, Marion

Luker, Elsa

Nordgren, Sharon

HILLSBOROUGH

Asselin, Robert

Baroody, Benjamin

Bernier, Shannon

Brundige, Robert

Buckley, Raymond

Cardin, Lori

Daigle, Robert

Dokmo, Cynthia

Durham, Susan

Ginsburg, Ruth

Hall, Betty

Jean, Claudette

Leishman, Peter

Leonard, Peter

MacAuslan, Rita

Martin, Mary

O'Hearn, Jane

Vaillancourt, Steve

MERRIMACK

Burney, Carol

DeStefano, Stephen

Gile, Mary

Hoadley, Elizabeth

Moore, Carol

Rogers, Katherine

Seldin, Gloria

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAM

Cushing, Robert

Francoeur, Sheila

Kelley, Jane

McGovern, Cynthia

Micklon, Stephanie

Sabella, Norma

Syracusa, Anthony

Vaughn, Charles

Weatherspoon, Jackie

STRAFFORD

Brennan, William

DeChane, Marlene

Hilliard, Dana

Knowles, William

McCann, William, Jr.

Merrill, Amanda

Pelletier, Arthur

Pelletier, Marsha

Smith, Marjorie

Snyder, Clair

Twardus, Joseph

Vachon, Dennis

SULLIVAN

Wiggins, Celestine

and the report was adopted.

Rep. Twardus voted nay and meant to vote yea.

Rep. Morris wished to be recorded in favor.

HB 681, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits. OUGHT TO PASS

Rep. Mark A. Cegelis for Wildlife and Marine Resources: This bill accomplishes three things: a) It increases the penalty from a violation to a misdemeanor for killing a moose during the closed season or for exceeding the bag limit. This places this valuable resource in par with the white-tailed deer, b) It allows the executive director to determine an agents fee for issuing a permit to hunt wild turkeys, and c) It reduces the penalty from a misdemeanor to a violation for a violation of rules pertaining to lands and waters under the executive directors control, i.e. State game refuges, lands under the control of the director, division of forests and lands, (DRED) and federal authority or lessees as outlined in 212:19. Vote 15-0.

Adopted and ordered to third reading.

HB 499, establishing a committee to study the provision by the state of certain economic, medical and social support services to individuals whose misconduct resulted in the need for service. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Ferguson for Health, Human Services and Elderly Affairs: The committee found many problems with the bill. The duties of the study committee were very vague. The term "willful misconduct" in the bill dealt with conduct which in some instances might not be illegal, but which the sponsor thought was willful. An example was not wearing a helmet on a motorcycle and suffering an accident. This bill would prohibit care and treatment for such an accident. Vote 17-0.

Rep. Rosen spoke against.

Rep. Ferguson spoke in favor.

Adopted.

HB 315-L, expanding certain financial powers of village districts. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill grants village districts the same authority granted to selectmen regarding their financial powers in RSA 31:95-b, RSA 31:95-e and RSA 33:7,II which makes the village districts operate more efficiently. Vote 17-0.

Rep. Cobbin spoke in favor.

Adopted and ordered to third reading.

HB 509-A, relative to repairing and resurfacing the access road to the Gunstock Ski Area. INEXPEDIENT TO LEGISLATE

Rep. Steve Vaillancourt for Public Works and Highways: This bill would appropriate \$280,000 for the repair and resurfacing of the access road to the Gunstock Ski Area. While the committee agrees that the more properly named "Belknap Recreation Area" is an economic benefit to the county and the state, the committee agrees with the Department of Transportation that this is essentially a "private driveway" and that to use state highway trust fund moneys on private roads would be an unwise precedent. The 3/4 mile road is in poor condition and in need of repairs, but state funds should not be used. Vote 19-0.

Rep. Rice spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

HB 403, prohibiting the use of trotlines to take fish. OUGHT TO PASS

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill was the request of the NH Fish and Game Department in an effort to prohibit the use of trotlines as a means of fishing. A trotline is a long line with many hooks baited along its length generally used in commercial fishing situations. They have no place as an accepted method of recreational freshwater fishing in this state. Vote 14-0.

Adopted and ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it adopted Inexpedient to Legislate on **HB 323**, establishing a right to work act which provides for freedom of choice on whether to join a labor union.

Rep. Dickinson spoke against.

Reconsideration lost.

SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the Rules Committee to meet without the proper notice following today's session for the purpose of considering the introduction of bills after the deadline.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Wheeler 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 that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 26, 1997 at 1:00 p.m.

Adopted.

LATE SESSION Third reading and final passage

HB 222-L, relative to pooled risk management programs.

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners.

HB 348-FN, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide.

HB 289-L, authorizing annual school district meetings to be held at multiple locations.

HB 277, relative to the option to process absentee ballots before closing of polls.

HB 140, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products.

HB 158, creating a committee to study the establishment of a New Hampshire volunteer program.

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues.

HB 401, repealing the prospective repeal of the healthy kids corporation.

HB 189, excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of landlord/tenant laws.

HB 228, relative to the definition of "club-veterans" under the liquor laws.

HB 309, increasing the time for a local legislative body to act on a proposed interim zoning regulation.

HB 208-L, relative to the status of roads laid out by the courts of common please or the county commissioners.

HB 307, relative to the adoption of local river corridor management plans by planning boards.

HB 254, relative to shared tenant telecommunication services.

HB 390, relative to quarantine of captive wildlife.

HB 157, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

HB 398, allowing Delta Dental Plan of New Hampshire to issue plans to individuals.

HB 262-FN-A-L, establishing a National Information Infrastructure oversight committee.

HB 149-FN, relative to the regulation of the profession of physical therapy.

HB 471, relative to the method of refund of the road toll paid by private school bus companies.

HB 120-FN, amending certain license fees and making various technical changes to the fish and game laws.

HB 681, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits.

HB 315-L, expanding certain financial powers of village districts.

HB 403, prohibiting the use of trotlines to take fish.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 193.

Rep. Nowe, Sen. Barnes for the Committee

MOTION TO PRINT REMARKS

Rep. Burling moved that the remarks made by Speaker Sytek on January 8, 1997 be printed in the permanent Journal.

Adopted.

UNANIMOUS CONSENT

Rep. Fuller Clark addressed the House.

Rep. Lockwood moved that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson addressed the House.

Thank you Madame Speaker. Fifty-two years ago today, I and some 60,000 fellow Marines assaulted the island of Iwo Jima. Originally scheduled for a three-day battle, it turned out to be a 36-day battle, one of the bloodiest, if not the bloodiest, battle of the war. Part of the reason was that we fought the war differently from other battles that we had fought. The Japanese fought it under the ground. They had 11 miles of tunnels. We fought it above the ground. No single spot of the island was free of danger. The result was that thousands of my fellow Marines were killed in the battle and many more thousands were wounded. Each year that I have been in the legislature, I have stopped for these few moments to honor those who gave the utmost. They gave their lives so that I and all of you can be free. They made the ultimate sacrifice. After 36 days I boarded a ship for Honolulu and from that moment on to this day, I have had nothing but lucky days. Thank you.

RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 4:20 p.m.

RECESS