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, May 7, 1997 No. 60

HOUSE JOURNAL No. 18(cont.)

Wednesday, April 30, 1997

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, May 7, 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.

Receive us, O God, into Your silence and Your stillness so that in our ceaseless scurrying we may pause in the graciousness of Your presence and take delight in the holiness of each moment. When we are weary, give us fresh energy. When we are confused, grant us clarity of thought. When we are determined, fill us with humility; and in all that we do and say, make us instruments of Your will. Amen.

Rep. Heath led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Battles-Peirce, Feng, Gibbons, Hinman, Morello, Nichols, O'Connell, Sullivan and Paul Taylor, the day, illness.

Reps. Buckley, Carson, Case, D'Allesandro, DeChane, Dowd, Gagnon, Guest, Robert Kelley, Leber, Marcinkowski, Martin, William McCarthy, Mears, Marsha Pelletier, Seldin, Steere, Trelfa and Weatherspoon, the day, important business.

Reps. Burney and Morrill, the day, illness in the family.

INTRODUCTION OF GUESTS

Vigdis, Stig and Dawn Callahan and Shaun Dunn, daughter, son, daughter-in-law and guest of Assistant Clerk, Leo Callahan. Raymond Whipple, guest of Rep. Sargent. Christopher Tivey, grandson of Rep. Lovejoy. Jack Reardon,

nephew of Rep. Reardon. Patricia Russell, wife of Rep. Russell. Lois Stearns, guest of Rep. Edwin Smith. Peter Tholl, Sr., guest of Rep. Tholl. Michael deMartelly, guest of Rep. Lynott. Roberta Robie, guest of Rep. Sabella. Mark Lamach, son of Rep. Lamach. Tom Osborne, guest of Rep. Cooney.

SPECIAL GUESTS

The Concord High School Class L Championship boys' wrestling team. The Concord High School Class L Championship boys' basketball team. The Concord High School Division I Championship boys' hockey team, guests of Reps. Fraser and Hoadley and the House.

COMMUNICATIONS

May 1, 1997

Hon. Donna Sytek, Speaker of the House

Dear Madam Speaker:

Recently I was selected by a panel of New Hampshire Superior Court Judges to fill the vacancy in the office of Hillsborough County Commissioner for the balance of an unexpired term. Under the provisions of the New Hampshire RSA 655:10, Incompatible Offices, no person shall hold the position as a member of the General Court and County Commissioner at the same time.

It is thus with deep regret that I must resign my seat as a member of the General Court representing Hillsborough District 14. Please convey to the members my deep gratitude for their kindness to me. It has been an honor to serve under your leadership this session. I wish you well.

Carol H. Holden

Hillsborough 14

May 5, 1997

Karen O. Wadsworth, Clerk of the House.

Representative Feng wishes to thank his dear colleagues for all the kind words, well wishes, and warm encouragement during his illness. He has completed three weeks of radiation treatment. He is currently experiencing some side effects caused by the radiation. He regrets that he is not able to thank each of you personally for your kind thoughts. Our family is fortunate and grateful to have your moral support in addition to that of his constituents. With your prayers, we are confident that my husband will win this battle as he has done before.

Helen Feng for

Rep. Feng

COMMITTEE ASSIGNMENT

Rep. Lavoie off Labor, Industrial and Rehabilitative Services; on Local and Regulated Revenues.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Reps. Wheeler and Burling offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 811, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL
First, second reading and referral

HB 811, legalizing, ratifying, and confirming actions, votes and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. (McGuirk, Ches 1; J. Pratt, Ches 2: Municipal and County Government)

SENATE MESSAGES
CONCURRENCE

HB 171, repealing the citizens advisory committee which advises the pesticide control board.

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

HB 269, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission.

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

HB 375, relative to the statement which must be signed by applicants for notary public or justice of the peace.

HB 383, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate.

HB 421, amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.

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

HB 483, relative to regulation of securities.

HB 667, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions.

HB 713, relative to the names of foreign limited partnerships, and eliminating an annual notice requirement for limited liability partnerships.

HB 714, deleting certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer.

HB 744-FN, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees.

HJR 4, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry.

HJR 5, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions.

HJR 7, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans.

HCR 10, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150th anniversary of the Great Hunger.

CONCURRENCE WITH AMENDMENTS

SB 49-FN, clarifying certain procedures under the lead paint law.

SB 72, relative to the New Hampshire life and health guaranty association and repealing the law relative to the interstate insurance receivership compact.

SB 144, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton

NONCONCURRENCE

HB 169, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature.

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

HB 397, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 254, relative to shared tenant telecommunication services..

The President appointed Sens. Johnson, Whipple and Patenaude.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 249, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations. (Amendment printed SJ 13, 4/24/97)

Rep. David Welch moved that the House concur.

Adopted.

HB 368, establishing the honorary position of artist laureate of the state of New Hampshire. (Amendment printed SJ 14, 4/30/97)

Rep. Mercer moved that the House concur.

Adopted.

HB 486, relative to a study of a certain portion of Route 3A. (Amendment printed SJ 14, 4/30/97)

Rep. Gene Chandler moved that the House nonconcur.

Adopted.

HB 652, establishing a committee to study certification of police and fire dispatchers. (Amendment printed SJ 14, 4/30/97)

Rep. David Welch moved that the House concur.

Adopted.

HB 662, revising the laws relative to the use of dealer plates. (Amendment printed SJ 14, 4/30/97)

Rep. Packard moved that the House concur.

Adopted.

ENROLLED BILLS REPORTS

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 215, 328, 498 and HJR 7 and Senate Bill numbered 87.

Rep. Nowe for the Committee

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 255, 336, 381, 398, 434, 471, 516 and 706 and Senate Bills numbered 103, 110, 119, 144 and 156.

Rep. Amidon for the Committee

SUSPENSION OF RULES

Reps Wheeler and Burling move that the Rules be so far suspended as to permit the reporting deadline to be extended for one week, to May 15, 1997, for the following entitled bills:

SB 68, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

SB 149, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector.

SB 162, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor.

SB 168, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor.

SB 172, making various changes to the workers' compensation law.

SB 196, relative to pari-mutuel wagers and defining "resort hotel."

SB 202, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

SB 209, establishing a residential care pilot program and providing for the funding of such program.

SB 216, relative to pari-mutuel racing and taxes on pari-mutuel pools.

Reps. Gene Chandler and Emerton spoke in favor.

Adopted by the necessary two-thirds.

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.

SB 37, relative to line items at town and school district meetings, removed by Rep. Alger.

SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively, removed by Rep. Burke.

SB 180-FN-A, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor, removed by Rep. Packard.

Consent Calendar adopted.

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life. RE-REFER TO COMMITTEE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill changes the current concealed weapon permit for a resident from a four year period to a lifetime permit. Testimony in support cited convenience for law abiding and responsible gun owners. Additionally, the penalties for being found carrying a concealed weapon after expiration of a carry permit could prevent a permit from being granted in the future because it would be a "weapons charge" against the applicant. Law enforcement officials felt it was irresponsible to not renew a permit as important as a concealed weapons permit if a firearm was commonly carried. They also indicated that an individual's ability to safely handle a firearm could diminish over time much as a persons ability to drive could diminish and the periodic renewal allowed a check and balance in the permitting process that was both prudent and reasonable. The committee agrees but would like to re-refer SB 66 in order to review the penalties that currently treat an individual whose permit had expired in the same manner as a

person who had ignored the permitting process required by the statutes. A lapse of memory should not be considered a criminal act when there is no intent to violate the law. Vote 12-0.

SJR 2, relative to federal funding under the Individuals with Disabilities Education Act. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: This resolution urges Congress to keep its promises, appropriate the 40% average per pupil expenditure funds as established in Public Law 94-142 and revise Individuals with Disabilities Education Act. Vote 15-0.

Amendment (1153h)

Amend the resolution by replacing all after the title with the following:

Whereas, when the Individuals with Disabilities Education Act was passed, Congress promised to fund a sum based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That Congress appropriate the promised amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States and the number of special education students and make such changes in the Individuals with Disabilities Education Act so that New Hampshire may continue to provide quality special education services to its students; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This senate joint resolution states that, whereas Congress promised to fund a certain amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students, Congress should appropriate the promised amount and make changes to the IDEA so that NH may continue to provide quality special education services to its students.

SB 30, relative to time of dog licensure. OUGHT TO PASS

Rep. Frank D. Callaghan for Environment and Agriculture: This bill changes present law to allow dog licensing from three months to four months to conform to veterinarian practice of spay/neutering at four months. Vote 12-0.

SB 31, relative to rabies certificates. OUGHT TO PASS

Rep. William P. Brennan for Environment and Agriculture: This bill allows for rabies certificates to be filed so that the owner of the dog is on record with the town clerk at the time of licensure, and does not have to produce verification. Vote 15-0.

SB 60-FN, excluding claims against New Hampshire hospital which are under $500 from the jurisdiction of the state board of claims. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will reinstate the oversight committee for claims arising from the clinical operation and administration of the New Hampshire Hospital. The bill will also exempt claims under $500.00 against the state hospital from RSA 541-B. The hospital will have jurisdiction to investigate, hold hearings, and render a decision to honor or deny awards on claims when the amount is less than $500.00. Claims for amounts between $500.00 and $50,000.00 will continue to be heard by the Board of Claims. Vote 17-0.

Amendment (0795h)

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

AN ACT excluding claims against New Hampshire hospital which are under $500 from the jurisdiction of the state board of claims, and establishing a legislative oversight committee.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Oversight Committee on Claims Arising From the Operation and Administration of the New Hampshire Hospital. Amend RSA 541-B by inserting after section 22 the following new section:

541-B:23 Oversight Committee For Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital.

I. There is hereby established a legislative oversight committee to review claims arising under RSA 541-B:21 and 99-D:8, IV. The committee members shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

II. The first-named house member of the committee shall be chairperson.

III. The committee shall report its findings to the general court 6 months prior to the awarding of any contract described in RSA 541-B:21, I.

IV. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 New Paragraph; Oversight Committee. Amend RSA 99-D:8 by inserting after paragraph III the following new paragraph:

IV. All claims arising under this section related to the New Hampshire hospital shall be reviewed by the legislative oversight committee established under RSA 541-B:23.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill excludes claims against New Hampshire hospital which are under $500 from the jurisdiction of the state board of claims. The department of health and human services shall have jurisdiction over such claims.

The bill also establishes a legislative oversight committee to review claims arising from the clinical operation and administration of the New Hampshire hospital.

SB 106-FN, establishing a committee to study the regulation of gas burner technicians and oil burner technicians. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee feels, based on testimony and discussion, that there is no compelling public safety issue that would require licensing of gas burning technicians and oil burner technicians. The current process using building codes with inspections by fire department personnel and building inspectors works satisfactorily. Vote 14-3.

SB 131--FN, allowing certain state employees to take paid leave to participate in disaster relief service work. RE-REFER TO COMMITTEE

Rep. Jon P. Beaulieu for Executive Departments and Administration: The committee understands the importance of the work that the American Red Cross provides with its disaster relief services. However, there were a number of unanswered questions as to the effect of such legislation. Among the questions unresolved were concerns of insurance coverage and the effect this type of leave would have upon an individual's disability retirement benefits should he or she be injured. With the many questions and lack of time, the committee asks that this bill be re-referred so that answers to questions may be found. Vote 12-4.

SB 146, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The joint committee established by this bill will study the vesting issues including the length of time to vest and the cost associated with any changes, and will review current standards for both governmental and non-governmental plans. With the many changes taking place in retirement plans, this is a subject that should be thoroughly studied to determine the effect upon the New Hampshire Retirement System Vote 15-2.

SB 167, relative to the regulation of naturopathic practitioners. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill with amendment extends the date for licensure application for doctors to March 1998. It also preserves the exemptions already in the bill. It reserves issues regarding titles of naturopaths, scopes of practice and enforcement to be considered with HB 762, relative to the regulation of naturopathic medicine, which was re-referred to the committee earlier this session. Vote 15-0.

Amendment (1162h)

Amend RSA 328-E:5, I(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Apply for a license in a manner prescribed by the board on or before March 1, [1995] ***1998***.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill adds the following persons to the list of those who are exempt from certain laws governing licensed doctors of naturopathic medicine:

I. Any individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated.

II. Any individual administering a domestic or family remedy.

III. Any person engaged in the sale of vitamins, health foods, dietary supplements, and other products of nature, the sale of which is not otherwise prohibited under state or federal law, as long as such person is not diagnosing any human disease, ailment, injury or other condition.

The bill extends the period during which a person, who has held himself or herself out as a naturopath or a doctor of naturopathic medicine prior to July 1, 1991, may apply for a license.

SB 159-FN, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia G. O'Keefe for Health, Human Services and Elderly Affairs: This bill establishes a committee to study increased public access to data concerning physicians and surgeons who are licensed under RSA 329. With the recent changes in health care delivery systems, compelling reasons to study the issue of matching physician data readily available to the health care consumer. Vote 17-0.

Amendment (1225h)

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

AN ACT establishing a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing section 6 with the following:

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

AMENDED ANALYSIS

This bill establishes a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

SB 84, revising the uniform simultaneous death act. RE-REFER TO COMMITTEE

Rep. Deborah L. Woods for Judiciary and Family Law: This bill revises New Hampshire's Simultaneous Death Act to comply with the Uniform Simultaneous Death Act of 1993. The committee unanimously voted re-refer to have the opportunity to better understand the complicated language and concepts of this important issue. Vote 19-0.

SB 96-FN, relative to the priority of charges in probate of estates. RE-REFER TO COMMITTEE

Rep. Deborah L. Woods for Judiciary and Family Law: This bill makes changes in the priority of charges assessed by probate courts in estates of deceased. It was substantially amended by the Senate. The committee needs the time that re-refer affords to study and understand the issues involved. Vote 20-0.

SB 194-FN-A, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after school programs. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill, as amended, acknowledges the state's interest in assisting families in keeping school age youth safe and out of trouble as their families move toward self-sufficiency. It provides that child care providers receiving money from the departments of Health and Human Services and Education should meet certain minimum standards and it clarifies current practice for transporting pupils between schools and legally operating before and after school programs. Vote 14-3.

Amendment (1169h)

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

AN ACT relative to the qualifications of child day care providers, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

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

1 Statement of Intent. It is the intent of the state of New Hampshire to assist families in keeping school-age youth safe and out of trouble as their families move toward self-sufficiency by preventing inappropriate latchkey situations, and to encourage collaborative ventures between schools, churches, youth serving organizations, businesses, and the juvenile justice community and their families, whenever possible.

2 New Paragraph; Requirements for Child Care Providers. Amend RSA 170-E:4 by inserting after paragraph II the following new paragraph:

III. The child day care provider receiving moneys from the department of health and human services or department of education shall be 18 years of age or older, and neither the child care provider nor the provider's employee shall have any felony convictions or founded cases of child abuse or neglect.

3 New Section; Transportation Between Schools and Before and After School Child Day Care Programs. Amend RSA 189 by inserting after section 6-a the following new section:

189:6-b Transportation Between Schools and Before-and-After-School Programs. To achieve maximum utilization of available before-and-after-school programs for school-age children, school districts shall be permitted to transport pupils between schools and legally-operating before-and-after-school programs upon the approval of the school district in the same manner as the school budget is adopted by that district. Such approval shall continue until revoked in the same manner.

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

AMENDED ANALYSIS

This bill requires child care providers in certain subsidized child care programs to be at least 18 years of age and have no felony convictions or founded cases of child abuse or neglect. It also allows school districts to transport pupils between schools and before-and-after-school programs.

SB 206-FN-A, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. INEXPEDIENT TO LEGISLATE

Rep. Janet W. Wall for Judiciary and Family Law: The committee, together with the sponsors, agrees that there is no need for this bill, in its current format, because we have currently a stronger statute in place which is working satisfactorily. The bill was intended to augment the current program, but instead would serve only to weaken and jeopardize this much needed process for counseling during those divorces where child custody and visitation are issues. Vote 20-0.

SB 21, excepting persons who are 17 years old and graduated from high school from the youth employment law. OUGHT TO PASS WITH AMENDMENT

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill will exempt 17 year olds who have graduated from high school from the youth employment law. It will also establish a committee to review the entire youth employment law and make recommendations to update the law. Vote 14-1.

Amendment (1023h)

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

AN ACT excepting persons who are 17 years old and graduated from high school from the youth employment law and establishing a committee to study the youth employment law.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established. There is established a committee to study the youth employment law.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study all aspects of RSA 276-A, the New Hampshire youth employment law.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

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

AMENDED ANALYSIS

This bill adds an exception to the requirement for a certificate under the youth employment law for 17-year-old persons who are high school graduates or who have received a high school equivalency diploma. This bill also establishes a committee to study the youth employment law.

SB 38, relative to certain activities under the workers' compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Jane P. Kelley for Labor, Industrial and Rehabilitative Services: This bill re-defines "injury" or "personal injury." Employees will not receive workers' compensation for injuries sustained on or off the premises for participation in athletic/recreational activities which are not a condition of employment. Vote 15-0.

Amendment (1051h)

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

1 Definition Amended. Amend RSA 281-A:2, XI to read as follows:

XI. "Injury" or "personal injury" as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment, or any occupational disease or resulting death arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation. "Injury" or "personal injury" shall not include diseases or death resulting from stress without physical manifestation. No compensation shall be allowed to an employee for injury proximately caused by the employee's willful intention to injure himself or injure another. Conditions of the aging process, including but not limited to heart and cardiovascular conditions, shall be compensable only if contributed to or aggravated or accelerated by the injury. ***Notwithstanding any law to the contrary, "injury" or "personal injury" shall not mean accidental injury, disease, or death resulting from participation in athletic/recreational activities, on or off premises, unless the employee***

reasonably expected, based on the employer's instruction, or policy, that such participation was a condition of employment or was required for promotion, increased compensation, or continued employment.

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

SB 179-FN-L, establishing a committee to study creating a New Hampshire local government records management improvement fund. RE-REFER TO COMMITTEE

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee feels that the intent of this bill has merit, but that further study is warranted. Vote 13-3.

SB 198-FN-L, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements. INEXPEDIENT TO LEGISLATE

Rep. Marilyn A. Fraser for Municipal and County Government: This bill eliminates the requirement of "unnecessary hardship" in the case of dimensional zoning variances, without providing any viable alternative. The proposed term "practical difficulty" would allow variances to be granted simply for the owner's convenience and would result in the gradual erosion of all dimensional standards. Vote 17-2.

SB 173-FN, relative to license and registration suspensions. INEXPEDIENT TO LEGISLATE

Rep. Sherman A. Packard for Transportation: The subject matter in this bill is similar to the subject matter in SB 187 which the committee re-referred. The problem of court defaults (SB 187) and driving after revocation of license and or plates (SB 173-FN) are problems we plan to address. Vote 13-0.

REGULAR CALENDAR

SB 169-FN, relative to a college tuition savings plan. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill establishes the New Hampshire college tuition savings plan advisory commission which shall oversee the administration of such plan. It also sets forth criteria for participating in such plan. Interest and dividends from funds invested in the savings plan shall be exempt from the New Hampshire interest and dividends tax. The amendment addresses the issue of interest and dividends. These funds shall not be considered taxable income. Vote 13-2.

Amendment (1098h)

Amend the bill by replacing section 1 with the following:

1 New Section; College Tuition Savings Plan; Exempt From Interest and Dividends Tax. Amend RSA 77 by inserting after section 4-d the following new section:

77:4-e Interest and Dividends from Funds Invested in College Tuition Savings Plan Not Taxable. Notwithstanding any provision of RSA 77:4, interest and dividend income received from funds invested in the college tuition savings plan under RSA 195-H shall at no time be considered taxable income under RSA 77:4, either to the plan or to its sponsors, participants, or beneficiaries, if used in accordance with RSA 195-H.

Adopted.

Report adopted and referred to Finance.

SB 205-FN-L, establishing a special school district to provide special education for eligible inmates in the state prison system. RE-REFER TO COMMITTEE

Rep. Michael Marcinkowski for Education: The committee felt that insufficient information was available to determine the impact of this bill in terms of special education policy and its impact on required expenditures. In addition, prior passage of SB 155 requires the department of education to prepare and adopt a plan for special education services in the state prison and county correctional systems. Vote 13-4.

Adopted.

SB 29, establishing a pet overpopulation trust. OUGHT TO PASS WITH AMENDMENT

Rep. Betty B. Hall for Environment and Agriculture: This bill establishes a dedicated fund to accept moneys to reimburse veterinarians for neutering animals. Animal population control fees shall be deposited in the fund which can also accept funds from private sources. Vote 16-0.

Amendment (1161h)

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

AN ACT establishing the companion animal neutering fund.

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

1 New Section; Companion Animal Neutering Fund Established. Amend RSA 437-A by inserting after section 4 the following new section:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds.

I. There is hereby established the companion animal neutering fund. Any funds received by the commissioner under this chapter, RSA 466:4, I(c), and RSA 466:6, III shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

2 New Paragraph; Definition Added. Amend RSA 437-A:1 by inserting after paragraph II the following new paragraph:

III. "Fund" means the companion animal neutering fund established in RSA 437-A:4-a.

3 New Paragraph; Rulemaking Added. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. Administration of the fund established under RSA 437-A:4-a.

4 Animal Population Control Fees. Amend RSA 466:4, I(c) to read as follows:

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the ~~[general fund]~~ ***companion animal neutering*** fund, ***established in RSA 437-A:4-a.***

5 Animal Population Control Fee. Amend RSA 466:6, III to read as follows:

III. The fee shall be $20 for the group license, $2 of which shall be remitted to the town clerk for deposit into the ~~[general]~~ ***companion animal neutering*** fund***, established in RSA 437A:4-a,*** as the companion animal population control fee, and $18 shall be retained by the town or municipality.

6 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

7 Repeal. 1996, 152, relative to the budget for the animal population control program, is repealed.

AMENDED ANALYSIS

This bill establishes the companion animal neutering fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

Adopted.

Report adopted and referred to Finance.

SB 32, relative to dogs at large. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Phinney for Environment and Agriculture: This bill restructures RSA 466:31 II, a statute entitled "Dogs, a menace, a nuisance or vicious" and increases the penalty for third and subsequent offenses. Vote 14-2.

Amendment (1150h)

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

AN ACT relative to certain civil forfeitures to be paid by certain dog owners.

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

1 Restructuring of Paragraph. RSA 466:31, II is repealed and reenacted to read as follows:

II. Under this section:

(a) A dog is a "nuisance" under any or all, but not limited to, the following conditions:

(1) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog. This subparagraph shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time.

(2) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area.

(3) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's.

(4) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting.

(b) A dog is a "menace" under any or all, but not limited, to the following conditions:

(1) If it growls, snaps at, runs after or chases any person or persons.

(2) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways.

(c) A dog is "vicious" if, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

2 Civil Forfeitures. RSA 466:31-a, II is repealed and reenacted to read as follows:

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) $25 for the first nuisance offense under RSA 466:31, II(a) and $50 for a second nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), according to the records of the town or city clerk. For third and subsequent nuisance offenses in a 12-month period, a person shall either pay $100, or, at the discretion of either the person or the animal control officer, the case may be tried in municipal or district court.

(b) $50 for the first menace offense under RSA 466:31, II(b); and $100 for the second menace offense committed within 12 months of the first. For third and subsequent menace offenses in a 12-month period, according to the records of the town or city clerk, a person shall either pay $100 or, at the discretion of either the person or the animal control officer, the case may be tried in municipal or district court.

(c) $100 for the first vicious offense under RSA 466:31, II(c); and $200 for the second or subsequent vicious offenses committed within 12 months of the first vicious offense under RSA 466:31, II(c), except that in any case of a vicious dog, as described in RSA 466:31, II(c), when its behavior presents a threat to public safety, immediate district or municipal court proceedings, in lieu of the civil forfeiture, may be initiated by the animal control officer.

3 Repeal. RSA 466:31-a, III, relative to certain civil forfeitures, is repealed.

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

AMENDED ANALYSIS

This bill clarifies the procedure relative to civil forfeitures for violations constituting nuisance, menace, and vicious dogs.

Rep. Melcher moved Recommit to Committee and spoke in favor.

Adopted.

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: The intent of this bill is to include additional members of group II in the medical subtrust for group II employees. This bill would expand the group participation by changing the active date from June 30, 1988 to June 30, 1991. This would add 531 new members and also add 94 firefighters on disability retirement. The total cost would be $10,540,000 and come from the special account. The special account has sufficient funds but the committee was concerned about the interplay between this bill for medical benefits and HB 751 which deals with spousal benefits for the same group and will also be terminally funded from the special account. HB 751 was re-referred for further study and the committee asks that this bill, SB 53-FN, be re-referred for further study of the implementation of this bill and how it interacts with HB 751. Vote 16-0.

Adopted.

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

SB 34, repealing laws relative to abortion. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Benjamin J. DePecol for the Majority of Judiciary and Family Law: This bill repeals three antiquated 1848 statutes dealing with abortion. All legal protections for patients and doctors remain in place. This is not an attempt to expand or limit any procedure, it is simply an act to eliminate three laws already deemed unconstitutional and three laws we do not use. Vote 13-7.

Rep. Kevin H. Smith for the Minority of Judiciary and Family Law: Passage of this bill causes grave consequences for the state of New Hampshire. Three major areas the minority of the committee is concerned with are: (1) there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus giving women no action for recourse; (2) there is no longer any protection for post-viable fetuses, which Roe vs Wade clearly states there should be; (3) with abortionists now being able to perform any abortion at any time period, under any circumstance, New Hampshire could conceivably become the abortion mecca of the country. New Hampshire cannot afford to pass this extreme measure.

Reps. Kevin Smith and Luebkert spoke against.

Reps. DePecol and Keans spoke in favor and yielded to questions.

Reps. Dolan, Letendre and Root spoke against and yielded to questions.

Rep. Woods spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Flora moved that **SB 34,** repealing laws relative to abortion, be laid on the table.

Rep. Burling requested a roll call; sufficiently seconded.

YEAS 122 NAYS 228
YEAS 122
BELKNAP

Boriso, Thomas Boyce, Robert Clark, Charles Golden, Paul

Hurt, George Laflam, Robert Lawton, David Rice, Thomas, Jr.

Rosen, Ralph Thomas, John

CARROLL

Kenney, Joseph Lyman, L. Randy MacDonald, Kenneth Mock, Henry

CHESHIRE

Doucette, Richard Manning, Joseph McNamara, Wanda Pratt, John

COOS

Coulombe, Yvonne Pratt, Leighton St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Akins, Ralph Chase, Paul, Jr. Cobbin, Philip Guaraldi, Lawrence

MacNeil, Allen Mirski, Paul Root, John Weber, Phil

HILLSBOROUGH

Ameen, W. Brundige, Robert Burke, M. Virginia Calawa, Leon, Jr.

Chabot, Robert Christiansen, Lars Clegg, Robert, Jr. Daniels, Gary

Desrosiers, William Dwyer, Paul, Sr. Flora, Kathleen Golding, William

Goulet, Maurice Haley, Robert Hansen, Herbert Herman, Keith

Holley, Sylvia Jean, Claudette Jean, Loren Lefebvre, Roland

Lessard, Rudy Letendre, Evelyn Luebkert, Bernard McCarty, Winston

McDonald, James, Sr. McGough, Tim Milligan, Robert Murch, George

O'Hearn, Jane Pepino, Leo Reidy, Frank Riley, Frances

Searles, Stanley, Sr. Turgeon, Roland Wheeler, Robert White, Donald

Wright, George

MERRIMACK

Adams, Stephen Anderson, Eric Brown, Mary Chandler, Earle

Colburn, Thomas Crowell, Peter Hoadley, Elizabeth Krueger, Patricia

Larrabee, David Lavoie, Gerard Pfaff, Terence Whalley, Michael

Whittemore, James

ROCKINGHAM

Arndt, Janet Belanger, Ronald Camm, Kevin Cooney, Richard

Cote, Patricia Dearborn, Bruce Dodge, Robert Dolan, Richard

Downing, Michael Dunham, Vivian Felch, Charles, Sr. Fesh, Robert

Flanagan, Natalie Flanders, David Griffin, Mary Guthrie, Joseph

Henderson, Warren Katsakiores, George Katsakiores, Phyllis Langley, Jane

Letourneau, Robert McCarthy, John, Jr. Mikowlski, Walter Millard, Ralph

Moore, Benjamin Morris, Debbie Nowe, Ronald Noyes, Richard

Packard, Sherman Reardon, Neil Smith, Kevin Stickney, Nancy

Stritch, C. Donald Varrell, Thomas Welch, David

STRAFFORD

Berube, Roger Callaghan, Frank McCann, William, Jr. McKinley, Robert

Spear, Barbara Twardus, Joseph

SULLIVAN

Leone, Richard

NAYS 228
BELKNAP

Bartlett, Gordon Holbrook, Robert Pilliod, James Salatiello, Thomas

Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Dickinson, Howard, Jr. Foster, Robert Howard, Godfrey Patten, Betsey

Philbrick, Donald

CHESHIRE

Avery, Stephen Bonneau, Sarah Burnham, Daniel Champagne, Richard

DePecol, Benjamin Hunt, John Lynch, Margaret Lynott, Margaret

McGuirk, Paul Meader, David Metzger, Katherine Pratt, Irene

Richardson, Barbara Riley, William Robertson, Timothy Royce, H. Charles

Russell, Ronald Smith, Edwin Vogl, John

COOS

Bradley, Paula Coulombe, Henry Davis, Perley Guay, Lawrence

Hawkinson, Marie Horton, Lynn Merrill, Gerald Moynihan, Wayne

GRAFTON

Almy, Susan Below, Clifton Brown, Channing Connolly, Steven

Copenhaver, Marion Eaton, Stephanie Ham, Bonnie Hill, Richard

LaMott, Paul Lovett, Sidney Luker, Elsa Nordgren, Sharon

Phinney, William Teschner, Douglass Williams, William, Jr.

HILLSBOROUGH

Ackerman, Philip Allen, W. Gordon Alukonis, David Amidon, Eleanor

Arnold, Thomas, Jr. Asselin, Robert Barry, William, III Batula, Peter

Belvin, William Bergin, Peter Bernier, Shannon Briefs, Geoffrey

Cardin, Lori Carlson, Donald Carney, Lauren Clay, Susan

Clemons, Jane Cote, David Cote, Peter Daigle, Robert

Dawe, Eileen Dokmo, Cynthia Drabinowicz, A. Theresa Durham, Susan Dyer, Merton Emerton, Lawrence, Sr. Fenton, James Ferguson, Charles Fields, Dennis Foster, Joseph Foster, Linda Franks, Suzan Gage, Ruth Ginsburg, Ruth Gosselin, Gerald Haettenschwiller, Alphonse Hall, Betty Hart, Nick Healy, Daniel Holt, David Johnson, Lionel Kurk, Neal L'Heureux, Robert LaRose, Richard Leishman, Peter Leonard, Peter Lozeau, Donnalee Lynde, Harold MacAuslan, Rita MacGillivray, Jeffrey MacIntyre, Doris McRae, Karen Melcher, Harold Mercer, Robert Messier, Irene Mittelman, David Murphy, Robert O'Rourke, Thomas Perkins, Paul Peterson, Andrew Piteri, Dawn Sargent, Maxwell Thulander, O. Alan Vaillancourt, Steve Welch, Donald Williams, Carol

MERRIMACK

Crosby, Toni Daneault, Gabriel DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Fraser, Marilyn French, Barbara Gile, Mary Hager, Elizabeth Hess, David Jacobson, Alf Lamach, Bernard Langer, Ray Lockwood, Robert Marshall, Kenneth Maxfield, Roy Moore, Carol Owen, Derek Reardon, Tara Rogers, Katherine St. Cyr, Gerard Wallin, Jean Wallner, Mary Jane Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Aranda, M. Kathryn Beaulieu, Jon Bishop, Franklin Blanchard, MaryAnn Cegelis, Mark Clark, Martha Coes, Betsy Cushing, Robert Dowling, Patricia Dube, LeRoy Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph Gleason, John Heath, John Hutchinson, Rebecca Johnson, Robert Kane, Cecelia Kelley, Jane

Klemm, Arthur, Jr. Kobel, Rudolph Langone, John Lovejoy, Marian

Major, Norman Malcolm, Kenneth McGovern, Cynthia McKinney, Betsy

Micklon, Stephanie Norelli, Terie O'Keefe, Patricia Pantelakos, Laura

Raynowska, Bernard Rubin, George Sabella, Norma Schanda, Frank

Simmons, John Anthony Stone, Joseph Syracusa, Anthony Tufts, J. Arthur

Vaughn, Charles Verani, Giovanni Weyler, Kenneth Woods, Deborah

STRAFFORD

Bickford, David Brennan, William Brown, George Brown, Julie

Dunlap, Patricia Estabrook, Iris Kaen, Naida Keans, Sandra

Knowles, William Lundborn, Raymond Merrill, Amanda Merritt, Deborah

Pelletier, Arthur Rogers, Rose Marie Rollo, Michael Smith, Marjorie

Snyder, Clair Taylor, Kathleen Torr, Ann Torr, Franklin

Tsiros, William Vachon, Dennis Vincent, Francis Wall, Janet

SULLIVAN

Adler, Rudolf Allison, David Burling, Peter Cloutier, John

Donovan, Thomas Ferland, Brenda Flint, Gordon Kibbey, David

Lindblade, Eric Palmer, Lorraine Schotanus, Merle Wiggins, Celestine

and the motion failed.

The question now being the adoption of the majority report.

Rep. Luebkert requested a roll call; sufficiently seconded.

YEAS 206 NAYS 144
YEAS 206
BELKNAP

Bartlett, Gordon Pilliod, James Salatiello, Thomas Thomas, John

Turner, Robert Veazey, John Ziegra, Alice

CARROLL

Babson, David, Jr. Bradley, Jeb Chandler, Gene Cooper, Kipp

Dickinson, Howard, Jr. Foster, Robert MacDonald, Kenneth Patten, Betsey

Philbrick, Donald

CHESHIRE

Avery, Stephen Bonneau, Sarah Burnham, Daniel Champagne, Richard

DePecol, Benjamin Hunt, John Lynch, Margaret Lynott, Margaret

McGuirk, Paul Meader, David Metzger, Katherine Pratt, Irene

Pratt, John Richardson, Barbara Riley, William Robertson, Timothy

Russell, Ronald Vogl, John

COOS

Bradley, Paula Davis, Perley Hawkinson, Marie Horton, Lynn

Merrill, Gerald Moynihan, Wayne

GRAFTON

Akins, Ralph Almy, Susan Below, Clifton Brown, Channing

Connolly, Steven Copenhaver, Marion Eaton, Stephanie Ham, Bonnie

Hill, Richard Lovett, Sidney Luker, Elsa Nordgren, Sharon

Phinney, William Teschner, Douglass

HILLSBOROUGH

Ackerman, Philip Allen, W. Gordon Alukonis, David Ameen, W.

Amidon, Eleanor Asselin, Robert Barry, William, III Belvin, William

Bergin, Peter Cardin, Lori Carlson, Donald Clay, Susan

Clemons, Jane Cote, David Cote, Peter Daigle, Robert

Dawe, Eileen Dokmo, Cynthia Durham, Susan Dyer, Merton

Fenton, James Ferguson, Charles Foster, Joseph Foster, Linda

Franks, Suzan Gage, Ruth Ginsburg, Ruth Golding, William

Haettenschwiller, Alphonse Hall, Betty Hart, Nick Healy, Daniel

Holt, David Johnson, Lionel Kurk, Neal LaRose, Richard Leishman, Peter Leonard, Peter Lozeau, Donnalee Lynde, Harold MacAuslan, Rita MacGillivray, Jeffrey MacIntyre, Doris McRae, Karen Melcher, Harold Mercer, Robert Messier, Irene Mittelman, David Murphy, Robert O'Hearn, Jane Perkins, Paul Peterson, Andrew Piteri, Dawn Sargent, Maxwell Thulander, O. Alan Vaillancourt, Steve Williams, Carol

MERRIMACK

Anderson, Eric Chandler, Earle Crosby, Toni DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Fraser, Marilyn French, Barbara Gile, Mary Hager, Elizabeth Hess, David Hoadley, Elizabeth Jacobson, Alf Lamach, Bernard Langer, Ray Lockwood, Robert Marshall, Kenneth Maxfield, Roy Moore, Carol Owen, Derek Reardon, Tara Rogers, Katherine Wallin, Jean Wallner, Mary Jane Whittemore, James Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Aranda, M. Kathryn Beaulieu, Jon Belanger, Ronald Blanchard, MaryAnn Clark, Martha Coes, Betsy Cushing, Robert Dowling, Patricia Flanders, David Flanders, John, Sr. Francoeur, Sheila Frechette, Joseph Heath, John Hutchinson, Rebecca Kane, Cecelia Kelley, Jane Klemm, Arthur, Jr. Langone, John Major, Norman Malcolm, Kenneth McGovern, Cynthia Micklon, Stephanie Norelli, Terie Nowe, Ronald O'Keefe, Patricia Pantelakos, Laura Rubin, George Sabella, Norma Schanda, Frank Stone, Joseph Syracusa, Anthony Tufts, J. Arthur Vaughn, Charles Verani, Giovanni Weyler, Kenneth

Woods, Deborah

STRAFFORD

Bickford, David Brennan, William Brown, Julie Dunlap, Patricia

Estabrook, Iris Kaen, Naida Keans, Sandra Knowles, William

Lundborn, Raymond Merrill, Amanda Merritt, Deborah Pelletier, Arthur

Rogers, Rose Marie Rollo, Michael Smith, Marjorie Snyder, Clair

Taylor, Kathleen Torr, Ann Torr, Franklin Tsiros, William

Vachon, Dennis Vincent, Francis Wall, Janet

SULLIVAN

Allison, David Burling, Peter Cloutier, John Flint, Gordon

Kibbey, David Lindblade, Eric Palmer, Lorraine Schotanus, Merle

Wiggins, Celestine

NAYS 144
BELKNAP

Boriso, Thomas Boyce, Robert Clark, Charles Golden, Paul

Holbrook, Robert Hurt, George Laflam, Robert Lawton, David

Rice, Thomas, Jr. Rosen, Ralph

CARROLL

Howard, Godfrey Kenney, Joseph Lyman, L. Randy Mock, Henry

CHESHIRE

Doucette, Richard Manning, Joseph McNamara, Wanda Royce, H. Charles

Smith, Edwin

COOS

Coulombe, Henry Coulombe, Yvonne Guay, Lawrence Pratt, Leighton

St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Chase, Paul, Jr. Cobbin, Philip Guaraldi, Lawrence LaMott, Paul

MacNeil, Allen Mirski, Paul Root, John Weber, Phil

Williams, William, Jr.

HILLSBOROUGH

Arnold, Thomas, Jr. Batula, Peter Bernier, Shannon Briefs, Geoffrey

Brundige, Robert Burke, M. Virginia Calawa, Leon, Jr. Carney, Lauren

Chabot, Robert Christiansen, Lars Clegg, Robert, Jr. Daniels, Gary

Desrosiers, William Drabinowicz, A. Theresa Dwyer, Paul, Sr. Emerton, Lawrence, Sr.

Fields, Dennis Flora, Kathleen Gosselin, Gerald Goulet, Maurice

Haley, Robert Hansen, Herbert Herman, Keith Holley, Sylvia

Jean, Claudette Jean, Loren L'Heureux, Robert Lefebvre, Roland

Lessard, Rudy Letendre, Evelyn Luebkert, Bernard McCarty, Winston

McDonald, James, Sr. McGough, Tim Milligan, Robert Murch, George

O'Rourke, Thomas Pepino, Leo Reidy, Frank Riley, Frances

Searles, Stanley, Sr. Turgeon, Roland Welch, Donald Wheeler, Robert

White, Donald Wright, George

MERRIMACK

Adams, Stephen Brown, Mary Colburn, Thomas Crowell, Peter

Daneault, Gabriel Krueger, Patricia Larrabee, David Lavoie, Gerard

Pfaff, Terence St. Cyr, Gerard Whalley, Michael

ROCKINGHAM

Arndt, Janet Bishop, Franklin Camm, Kevin Cegelis, Mark

Cooney, Richard Cote, Patricia Dearborn, Bruce Dodge, Robert

Dolan, Richard Downing, Michael Dube, LeRoy Dunham, Vivian

Felch, Charles, Sr. Fesh, Robert Flanagan, Natalie Gleason, John

Griffin, Mary Guthrie, Joseph Henderson, Warren Johnson, Robert

Katsakiores, George Katsakiores, Phyllis Kobel, Rudolph Langley, Jane

Letourneau, Robert Lovejoy, Marian McCarthy, John, Jr. McKinney, Betsy

Mikowlski, Walter Millard, Ralph Moore, Benjamin Morris, Debbie

Noyes, Richard Packard, Sherman Raynowska, Bernard Reardon, Neil

Simmons, John Anthony Smith, Kevin Stickney, Nancy Stritch, C. Donald

Varrell, Thomas Welch, David

STRAFFORD

Berube, Roger Brown, George Callaghan, Frank McCann, William, Jr.

McKinley, Robert Spear, Barbara Twardus, Joseph

SULLIVAN

Adler, Rudolf Donovan, Thomas Ferland, Brenda Leone, Richard

and the majority report was adopted.

Ordered to third reading.

Rep. Healy voted yea and intended to vote nay.

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

Rep. Carson wished to be recorded against.

PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Flora requested that her protest and those of the undersigned members of the House, be entered on the Journal.

We, the undersigned, vehemently oppose the action taken by the New Hampshire House of Representatives this day on Senate Bill 34, a bill to repeal three statutes relative to abortion. We believe that the repeal of all abortion laws without a judicious analysis of their implications does a grave injustice to the citizens of New Hampshire. This action leaves women without any recourse or support of law should an abortion procedure fail. It relegates their unborn children to the dustbin, as if this were, as was testified by one House member before the committee, "a simple housekeeping measure."

Since the repeal of these laws will have virtually no effect on the practice of abortion in our state, the repeal is the worst kind of legislation. It is an extremist measure with the sole purpose of symbolically granting women the extraordinary right to determine life or death over any child carried up to and until the moment of delivery. Not even the Supreme Court of the United States., in Roe vs. Wade, dared to go that far in washing it's hands of the responsibility for the protection of human life.

Therefore, it is with deep regret that we stand as members of this fine body in protest of the action taken today. We wish now to go on record in support of the voice of the majority of New Hampshire citizens who stand for the sacredness of life.

Mary E. Brown Donald B. White M. Virginia Burke

Gary L. Daniels John E. Tholl, Jr. Maurice E. Goulet

L. Randy Lyman Thomas M. Colburn Kathleen A. Colburn

Patricia Krueger Stephen J. Adams Robert K. Boyce

Roger R. Berube Leo P. Pepino Phil A. Weber

Paul J. Dwyer Nancy C. Stickney Debbie L. Morris

Roland M. Turgeon Frank D. Callaghan Paul K. Chase, Jr.

Walter J. Mikowlski Neil J. Reardon Paul E. St. Hilaire

Loren J. Jean Paul M. Mirski Kathleen M. Flora

Tim S. McGough Mary E. Griffin Richard Noyes

Yvonne Coulombe Frances L. Riley Kevin H. Smith

Peter O. Crowell John M. Root George D. Murch, III

Bernard J. Luebkert Roland J. Lefebvre Robert J. Letourneau

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

In addition to adopting the above protest by reference, I enter the following. Roe vs. Wade was illegitimate legislating from the bench in 1973, it is so now. The Constitution of this state predates the federal Constitution and as such, our state's rights and the rights of our people to sanction abortion through acts of this legislative body. This state's laws raise the issue of Roe vs. Wade as vulnerable to attack on 10th amendment grounds. Abortionists seek to steal our heritage by lulling this legislature to slumber.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hart moved that the House reconsider its action whereby it ordered to third reading **SB 34,** repealing laws relative to abortion.

Rep. Hart spoke against.

Reconsideration failed.

REGULAR CALENDAR (Cont'd.)

SB 177-FN, relative to the liability of prospective adoptive parents for court ordered services. OUGHT TO PASS

Rep. Kevin H. Smith for Judiciary and Family Law: This bill furthers the state goal of encouraging adoption of children in the custody of the state by ensuring some continuing financial support if these at-risk children subsequently require certain services. Vote 10-8.

Adopted and referred to Finance.

SB 217, relative to control of accessory uses on private land, including aircraft takeoffs and landings. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert A. Lockwood for the Majority of Municipal and County Government: This bill repeals, from the time of its effective date until June 1, 1998, then reenacts a law passed last year (HB 1156, Chapter 218) that automatically allows aircraft takeoffs and landings on private land as an accessory use in all municipalities, unless specifically prohibited by local ordinances. Traditionally, accessory uses are specifically defined by local planning boards and approved by the voters in each municipality before they are allowed. The majority believes this bill is necessary to allow time for all communities to make their own local control decisions before the state mandates permanent local zoning decisions. Passage of HB 217 will return the option of local control to municipalities until June 1, 1998. After that, the original language of Chapter 218 will apply to privately owned airstrips. The need for a moratorium was occasioned by confusion in some communities regarding authority of the municipalities to exercise takeoffs and landings on privately owned airstrips. Vote 11-6.

Reps. Joseph E. Stone, Paul A. McGuirk, Marilyn A. Fraser, and Thomas E. P. Rice Jr. for the Minority of Municipal and County Government: Several times, citizens in Brentwood who are abutters have asked for town zoning to prohibit property from being used for aircraft landings and takeoffs. As recently as March 11, 1997, by a vote of 480 to 276, the town of Brentwood voted to reject a citizen petition to specifically prohibit the aircraft landings and takeoffs. Judge Patricia Coffy of the Rockingham County Superior Court ruled that a petition for injunction against the airstrip operation presented no evidence which would allow the court to invalidate the statue under the taking clause. Now these same citizens are asking us as legislators to overturn the vote of the majority. We feel this in an improper action for us to take.

Rep. McGuirk spoke against.

Reps. Dokmo and Lockwood spoke in favor and yielded to questions.

Reps. Stone and Weyler spoke against and yielded to questions.

Rep. Salatiello spoke in favor.

On a division vote, 114 members having voted in the affirmative and 223 in the negative, the majority report failed.

Rep. McGuirk moved Inexpedient to Legislate.

Adopted.

SB 37, relative to line items at town and school district meetings. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: It causes great concern to see this type of bill proposed as a "one size fits all" solution to issues which should be addressed at a local level. In an era when we are attempting to initiate home rule, it would appear that this is one more item that should be addressed on a community by community basis. Vote 18-1.

Rep. Alger spoke against and yielded to questions.

Rep. Christiansen spoke against.

Rep. Stone spoke in favor and yielded to questions.

On a division vote, 270 members having voted in the affirmative and 43 in the negative, the report was adopted.

SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee is currently studying the implementation process of the official ballot. The voting day in the "SB 2" towns and school districts changed from the traditional voting day of the second Tuesday of March to the second Tuesday in April. SB 62 addressed that difference by allowing the governing bodies of towns that had not adopted official ballot but were "SB 2" school districts to move the election day of those towns to the second Tuesday of April. Our committee went out to fifteen SB 2 communities on April 8th to listen to voter opinions and will be holding some informational meetings in some of those locations to gather more opinions of the process. The committee wanted that input prior to making this decision, hence the motion to Re-refer. Vote 16-1.

Rep. Burke spoke against and yielded to questions.

Rep. Patten spoke in favor and yielded to questions.

Reps. Alger and Donald White spoke against.

Rep. McGuirk spoke in favor.

Rep. Burke requested a roll call ; sufficiently seconded.

The question being the adoption of the report.

YEAS 222 NAYS 98
YEAS 222
BELKNAP

Bartlett, Gordon Golden, Paul Hurt, George Lawton, David

Pilliod, James Salatiello, Thomas Turner, Robert Ziegra, Alice

CARROLL

Bradley, Jeb Chandler, Gene Cooper, Kipp Dickinson, Howard, Jr.

Foster, Robert Howard, Godfrey Lyman, L. Randy MacDonald, Kenneth

Patten, Betsey Philbrick, Donald

CHESHIRE

Avery, Stephen Bonneau, Sarah Burnham, Daniel DePecol, Benjamin

Doucette, Richard Hunt, John Lynch, Margaret Lynott, Margaret

McGuirk, Paul Meader, David Metzger, Katherine Pratt, Irene

Pratt, John Richardson, Barbara Riley, William Robertson, Timothy

Royce, H. Charles Russell, Ronald Smith, Edwin Vogl, John

COOS

Bradley, Paula Coulombe, Yvonne Davis, Perley Guay, Lawrence

Hawkinson, Marie Horton, Lynn Merrill, Gerald Moynihan, Wayne

Pratt, Leighton

GRAFTON

Almy, Susan Below, Clifton Brown, Channing Chase, Paul, Jr.

Connolly, Steven Copenhaver, Marion Eaton, Stephanie Guaraldi, Lawrence

Hill, Richard LaMott, Paul Lovett, Sidney Nordgren, Sharon

Williams, William, Jr.

HILLSBOROUGH

Allen, W. Gordon Ameen, W. Amidon, Eleanor Asselin, Robert

Baroody, Benjamin Batula, Peter Belvin, William Bernier, Shannon

Brundige, Robert Calawa, Leon, Jr. Cardin, Lori Chabot, Robert

Clay, Susan Clemons, Jane Cote, David Cote, Peter

Daigle, Robert Dokmo, Cynthia Drabinowicz, A. Theresa Durham, Susan

Dwyer, Paul, Sr. Dyer, Merton Emerton, Lawrence, Sr. Ferguson, Charles

Fields, Dennis Foster, Joseph Foster, Linda Franks, Suzan

Gage, Ruth Ginsburg, Ruth Gosselin, Gerald Hall, Betty

Hansen, Herbert Hart, Nick Healy, Daniel Herman, Keith

Holt, David Jean, Claudette Johnson, Lionel Kurk, Neal

L'Heureux, Robert LaRose, Richard Leishman, Peter Leonard, Peter

Lozeau, Donnalee Lynde, Harold MacAuslan, Rita MacIntyre, Doris

McDonald, James, Sr. Mercer, Robert Milligan, Robert Murphy, Robert

O'Hearn, Jane O'Rourke, Thomas Peterson, Andrew Sargent, Maxwell

Searles, Stanley, Sr. Thulander, O. Alan Turgeon, Roland Welch, Donald

Wheeler, Robert Williams, Carol

MERRIMACK

Anderson, Eric Chandler, Earle Crosby, Toni Daneault, Gabriel

DeStefano, Stephen Dunn, Miriam Feuerstein, Martin Fraser, Marilyn

French, Barbara Gile, Mary Hess, David Lockwood, Robert

Marshall, Kenneth Moore, Carol Owen, Derek Reardon, Tara

St. Cyr, Gerard Wallner, Mary Jane Whalley, Michael Whittemore, James

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Bishop, Franklin Blanchard, MaryAnn Clark, Martha

Coes, Betsy Cote, Patricia Cushing, Robert Downing, Michael

Dube, LeRoy Felch, Charles, Sr. Fesh, Robert Flanagan, Natalie

Flanders, David Flanders, John, Sr. Francoeur, Sheila Gleason, John

Griffin, Mary Heath, John Henderson, Warren Hutchinson, Rebecca

Johnson, Robert Kane, Cecelia Katsakiores, George Katsakiores, Phyllis

Kelley, Jane Klemm, Arthur, Jr. Kobel, Rudolph Langone, John

Lovejoy, Marian Major, Norman McGovern, Cynthia Moore, Benjamin

Norelli, Terie Noyes, Richard O'Keefe, Patricia Packard, Sherman

Raynowska, Bernard Sabella, Norma Schanda, Frank Simmons, John Anthony

Tufts, J. Arthur Varrell, Thomas Vaughn, Charles Welch, David

Woods, Deborah

STRAFFORD

Brennan, William Brown, Julie Dunlap, Patricia Estabrook, Iris

Hemon, Roland Keans, Sandra Knowles, William Lundborn, Raymond

McCann, William, Jr. Merrill, Amanda Pelletier, Arthur Rogers, Rose Marie

Rollo, Michael Smith, Marjorie Snyder, Clair Spear, Barbara

Taylor, Kathleen Torr, Ann Torr, Franklin Tsiros, William

Twardus, Joseph Vachon, Dennis Wall, Janet

SULLIVAN

Adler, Rudolf Allison, David Cloutier, John Donovan, Thomas

Ferland, Brenda Flint, Gordon Kibbey, David Leone, Richard

Palmer, Lorraine Schotanus, Merle Wiggins, Celestine

NAYS 98

BELKNAP

Boriso, Thomas Boyce, Robert Clark, Charles Holbrook, Robert

Laflam, Robert Rice, Thomas, Jr. Rosen, Ralph Veazey, John

CARROLL

Babson, David, Jr. Kenney, Joseph

CHESHIRE

McNamara, Wanda

COOS

Coulombe, Henry St. Hilaire, Paul Tholl, John, Jr.

GRAFTON

Akins, Ralph Alger, John Cobbin, Philip Ham, Bonnie

Mirski, Paul Phinney, William Root, John

HILLSBOROUGH

Ackerman, Philip Alukonis, David Arnold, Thomas, Jr. Bergin, Peter

Briefs, Geoffrey Burke, M. Virginia Carlson, Donald Clegg, Robert, Jr.

Daniels, Gary Dawe, Eileen Fenton, James Flora, Kathleen

Golding, William Goulet, Maurice Holley, Sylvia Hunter, Bruce

Jean, Loren Lefebvre, Roland Lessard, Rudy Letendre, Evelyn

Luebkert, Bernard MacGillivray, Jeffrey McCarty, Winston McGough, Tim

McRae, Karen Messier, Irene Murch, George Pepino, Leo

Perkins, Paul Reidy, Frank Riley, Frances Vaillancourt, Steve

White, Donald Wright, George

MERRIMACK

Adams, Stephen Brown, Mary Colburn, Thomas Crowell, Peter

Jacobson, Alf Krueger, Patricia Lamach, Bernard Langer, Ray

Larrabee, David Lavoie, Gerard Pfaff, Terence

ROCKINGHAM

Aranda, M. Kathryn Arndt, Janet Beaulieu, Jon Belanger, Ronald

Camm, Kevin Christie, Andrew, Jr. Cooney, Richard Dodge, Robert

Dolan, Richard Dowling, Patricia Dunham, Vivian Frechette, Joseph

Guthrie, Joseph Langley, Jane Letourneau, Robert Malcolm, Kenneth

McKinney, Betsy Micklon, Stephanie Mikowlski, Walter Millard, Ralph

Morris, Debbie Nowe, Ronald Reardon, Neil Rubin, George

Smith, Kevin Stickney, Nancy Stritch, C. Donald Verani, Giovanni

Weyler, Kenneth

STRAFFORD

Kaen, Naida McKinley, Robert

SULLIVAN

Lindblade, Eric

and the report was adopted.

SB 180-FN-A, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Milligan for Transportation: This bill establishes a fund to be known as the Rural Airport Capital Revolving Loan Fund. It shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public. A lien on the improved property shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the owner or sponsor of the rural airport. Vote 13-1.

Amendment (1202h)

Amend RSA 423:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established in the state a fund to be known as the rural airport capital revolving loan fund. The fund shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in towns with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.

Rep. Packard spoke against and yielded to questions.

The amendment failed.

Rep. Packard offered a floor amendment.

Floor Amendment (1239h)

Amend RSA 423:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established in the state a fund to be known as the rural airport capital revolving loan fund. The fund shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in municipalities with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.

Rep. Packard spoke in favor.

Adopted.

Report adopted and referred to Finance.

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, May 14, 1997 at 1:00 p.m.

Adopted.

LATE SESSION
Third reading and final passage

SJR 2, relative to federal funding under the Individuals with Disabilities Education Act.

SB 30, relative to time of dog licensure.

SB 31, relative to rabies certificates.

SB 60-FN, excluding claims against New Hampshire hospital which are under $500 from the jurisdiction of the state board of claims.

SB 146, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years.

SB 167, relative to the regulation of naturopathic practitioners.

SB 159, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A.

SB 194, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

SB 21, excepting persons who are 17 years old and graduated from high school from the youth employment law.

SB 38, relative to certain activities under the workers' compensation law.

SB 34, repealing laws relative to abortion.

RECESS MOTION

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

Adopted.

The House recessed at 4:25 p.m.

RECESS
BILLS SIGNED BY THE GOVERNOR

Chap. 36 **HB 297,** relative to the cutting of vegetation by utilities on private property. (Eff. 7/4/97)

Chap. 37 **HB 351,** limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value. (Eff. 1/1/98)

Chap. 38 **HB 380,** relative to the sale of town-owned property. (Eff. 7/4/97)

Chap. 39 **HB 698,** relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund. (Eff. 1/1/98)

Chap. 40 **HB 769,** relative to unemployment compensation. (Eff. Secs. 1,3&4, 10/1/97; remainder 7/1/96)