

HOUSE RECORD

Second Year of the 155th Session of the General Court

Calendar and Journal of the 1998 Session

Vol. 20

Concord N.H.

Thursday, March 12, 1998

No. 24

HOUSE JOURNAL No. 6 (cont.)

March 5, 1998

(Rep. Carol Moore in the Chair)

RESOLUTION

Rep. Amanda Merrill offers the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 316, 350, 386, 390, 395, 397, 408, 414, 444, 451 and 457, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 316, authorizing insurance companies to give discounts to drivers over 55 years of age who complete an approved driver safety course. (Commerce)

SB 350, relative to probate court procedures. (Judiciary and Family Law)

SB 386, relative to eligibility for antique motor vehicle plates. (Transportation)

SB 390, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. (Science, Technology and Energy)

SB 395, enacting certain provisions of the prudent investor act. (Judiciary and Family Law)

SB 397, relative to the composition of the pharmacy board. (Executive Departments and Administration)

SB 408-FN, requiring the department of safety to perform a background check to determine if an applicant for a motor vehicle registration is in default or has a warrant issued against the applicant. (Transportation)

SB 414, relative to official motor vehicle plates. (Transportation)

SB 444-FN, requiring the New Hampshire real estate commission to notify licensees of proposed rules and any changes adopted to rules. (Executive Departments and Administration)

SB 451-FN-L, relative to the accessibility of pupil assessment materials and the anonymity of pupil assessment results. (Education)

SB 457-FN, relative to the eligibility of employment program participants for workers' compensation. (Labor, Industrial and Rehabilitative Services)

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

March 12, 1998

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

Prayer was offered by Guest Chaplain, Representative Eric Lindblade.

God of yesterday, today and tomorrow, as we plunge into the agenda of the day, remind us that each is a little life never to be lived again. Help us to be patient and forgiving in the fret and jar of our deliberations, mindful of how lonely it can be to espouse an unpopular point of view or fight for lost causes. Teach us a less strident tone of voice, a greater charity of words and more openness of mind, that when this day is past, we part content, and without regret for what we have said and done. Amen.

Rep. Edwin Smith led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. George Brown, David Cote, Ferguson, Robert Foster, Gosselin, Hall, Healy, O'Rourke, Pepino, Perkins, Rubin, Paul Taylor and Carol Williams, the day, illness.

Reps. Boutin, Briefs, Channing Brown, Cegelis, Downing, Flint, Robert Kelley, MacAuslan, Morello, Irene Pratt, William Riley, Trelfa and Veazey, the day, important business.

Reps. Carney, Horton and Naida Kaen, the day, illness in the family.

INTRODUCTION OF GUESTS

Kristie Conrad and Grace Bridget Cushing, wife and daughter of Rep. Cushing. Garret Lovell, guest of Rep. David Welch. Eban Colby, Tara Ray, Cpl. Bruce Mathews, Joyce Faulkner, Amy Donovan and Barbara White, son and guests of Rep. Krueger. The 4th grade class from the Hanover Street School in Lebanon, guests of Rep. Guaraldi. David Welch, guest of Rep. D'Allesandro. Kathryn Petuck and Elizabeth Higgins, wife and guest of Rep. Below. Charles Felch, son of Rep. Felch. John Curran, guest of Rep. David Lawton. Joy Falkenham, guest of Rep. Stickney. Kate Dean, Priscilla Weston, Carolyn Myrick and Walt Birdshall, guests of Reps. MacGillivray and Carlson. Robert Plante, guest of Rep. Akins. Nancy Crumbine, guest of Rep. Copenhaver. Andy Martel, Michael Quinlan, Lloyd Bashaw, Linda Gerish, John Lyons and Theresa Chabot, guests of Rep. Vaillancourt. James and Gail MacKenzie, Florence Smith, Megan Martineau, Cameron and Brett Martineau, Wayne Vetter, Maj. Ronald Allie, Capt. Jeffrey Gray, Lt. Rick Jones, Scott Kenneson, Jay and Doreen MacKenzie and Lt. Tim Acerno, guests of Rep. Stone. A class from the Broad Street Elementary School in Nashua, guests of the Nashua Delegation.

SPECIAL GUEST

Jim MacKenzie of Deerfield, a state Fish and Game Conservation Officer and medal winner in the 7th World Police and Fire Games in Calgary Alberta, guest of the House.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 96.

Rep. Nowe, Sen. Barnes for the Committee

SPECIAL ORDERS

HB 1025-FN, relative to capital murder, first degree murder, and second degree murder. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Many people are surprised that our current capital murder law does not cover certain murders that are universally considered to be particularly heinous. Although we have had a capital murder statute in this state for more than 20 years, this bill provided a vehicle to consider expanding the current laws to include a few uncovered types of murder. The committee reviewed the proposed legislation and crafted an amended version which makes it a capital murder to knowingly cause the death of a child under the age of 13, the death of a witness or informer in a criminal investigation, the death of a juror, or the deaths of multiple persons (serial murder victims or single event mass murder victims). This expansion is more limited than the original bill. The committee deleted the felony murder provision which would have made a person who participated in a felony where a death occurred guilty of a capital murder without proof of the intent to cause a death. This legislature has historically supported a capital murder statute which applies to those murders which are deemed serious crimes against society by the very nature of the victims. The committee believes that the expansion proposed here is the appropriate answer to the concern that certain heinous murders are not covered by the current capital murder law. The committee members individually have diverse opinions relative to the death penalty. Some members who voted for this amendment may have done so to present a bill that would

likely meet the constitutional requirements. We believe that the amendment will meet those requirements. Vote 14-4.

Amendment (0820h)

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

1 Statement of Policy. It is the intent of the legislature that the provisions of this act shall apply not only to the principal actor, but also to any person who is legally responsible for such conduct of the principal actor which amounts to murder, under the law of accomplice liability.

2 Capital Murder. Amend RSA 630:1 to read as follows:

630:1 Capital Murder.

I. A person is guilty of capital murder if ~~he~~ **such person** knowingly causes the death **or serious bodily injury that results in the death** of:

(a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;

(b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(c) Another by criminally soliciting a person to cause said death ~~or after having been criminally solicited by another~~ for ~~his~~ personal pecuniary **or other tangible** gain;

(d) Another after having been criminally solicited by another for personal pecuniary or other tangible gain;

~~[(d) Another after being sentenced to life imprisonment without parole pursuant to RSA 630:1 a, III;]~~

(e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;

(f) Another when the person previously was convicted of first degree or second degree murder in this state, or a reasonably equivalent offense in this state, any other state, any territory or possession of the United States, or the District of Columbia;

~~[(g)]~~ **(g)** Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b);

(h) A witness or informer in a criminal investigation or case, and the death is caused as a consequence of or in retaliation for anything done by the victim as a witness or informer;

(i) A person under the age of 13 years;

(j) More than one person, and the deaths, or serious bodily injuries resulting in death, are caused by a course of conduct of the actor that is part of a common scheme or plan or part of a related series of acts;

(k) More than one person, and the deaths, or serious bodily injuries resulting in death, are the result of conduct which created a substantial risk of death to one or more persons in addition to the victims of the offense.

II. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

II-a. As used in this section, a "judicial officer" is a judge of a district, probate, superior or supreme court; **a juror; the attorney general or** an attorney employed by the department of justice ~~[or a municipal prosecutor's office]~~; or a county attorney; or **an** attorney employed by ~~[the]~~ **a** county ~~[attorney]~~ **attorney's office or a municipal prosecutor's office.**

III. A person convicted of [a] capital murder ~~[may]~~ **shall** be punished by death **or life imprisonment without parole in accordance with the procedures set forth in RSA 630:5.**

IV. As used in this section and RSA 630:1-a, 1-b, 2, 3 and 4, the meaning of "another" **and of "victim" and of "person"** does not include a ~~[fetus]~~ **fetus.**

V. ~~[In no event shall any]~~ **A** person under ~~[the age of]~~ 17 years **of age shall not** be culpable of [a] capital murder.

3 First Degree Murder. Amend RSA 630:1-a to read as follows:

630:1-a First Degree Murder.

I. A person is guilty of murder in the first degree if ~~[he]~~ **such person:**

(a) Purposely causes the death **or serious bodily injury that results in the death** of another; or

(b) Knowingly causes the death **or serious bodily injury that results in the death** of:

(1) Another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault as defined in RSA632-A:3;

(2) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(3) Another in perpetrating or attempting to perpetrate arson as defined in RSA634:1, I, II, or III; **or**

(4) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state

or any member or member-elect of the Congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1-a, I(a), "purposely" shall mean that the actor's conscious object is the death of another, and that his act or acts in furtherance of that object were deliberate and premeditated.

III. A person convicted of a murder in the first degree shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

4 Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) ~~[He]~~ ***Such person*** knowingly causes the death ***or serious bodily injury that results in the death*** of another; ~~[or]~~

(b) ~~[He]~~ ***Such person*** causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon ~~[in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.]; or~~

(c) ***Such person causes the death of another in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.***

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

5 Effective Date. This act shall take effect January 1, 1999.

Rep. David Welch yielded to questions.

Adopted.

Reps. Below and Cushing offered a floor amendment.

Floor Amendment (0989h)

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

AN ACT abolishing the death penalty.

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

1 Capital Murder; Death Penalty Abolished. Amend RSA 630:1, III to read as follows:

III. A person convicted of a capital murder [~~may be punished by death~~] ***shall be sentenced to life imprisonment and shall not be eligible for parole at any time.***

2 Repeal. RSA 630:5, relative to sentencing procedures and the death sentence in capital murder cases, is repealed.

3 Effective Date. This act shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill abolishes the death penalty.

Reps. Below, John Pratt and Cushing spoke in favor.

Reps. Lefebvre and Clegg spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

YEAS 155 NAYS 195			
YEAS 155			
BELKNAP			
Laflam, Robert	Pilliod, James		
CARROLL			
None			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	O'Connell, John	Pratt, John	Richardson, Barbara
Robertson, Timothy	Russell, Ronald	Vogl, John	
COOS			
Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			
GRAFTON			
Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion

Guaraldi, Lawrence	Guest, Robert	Lovett, Sidney	Luker, Elsa
Nordgren, Sharon	Williams, William, Jr.		
HILLSBOROUGH			
Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Arnold, Thomas, Jr.
Barry, William, III	Bergin, Peter	Carlson, Donald	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clemons, Jane	Daniels, Gary
Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton	Fenton, James
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Ginsburg, Ruth	Haettenschwiller, Alphonse Haley, Robert	Hansen, Herbert	
Hart, Nick	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Konys, Christine	Leishman, Peter	Leonard, Peter
Luebker, Bernard	Lynde, Harold	Martin, Mary	McCarthy, William
McDonald, James, Sr.	McRae, Karen	Messier, Irene	Milligan, Robert
Murch, George	O'Hearn, Jane	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Vaillancourt, Steve	Welch, Donald	White, Jay
MERRIMACK			
Burney, Carol	Crosby, Toni	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Lamach, Bernard	Lockwood, Robert	Moore, Carol
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cushing, Robert	Dalrymple, Janeen	Dolan, Richard	Dowling, Patricia
Fesh, Robert	Flanagan, Natalie	Frechette, Joseph	Gibbons, Paul
Gleason, John	Heath, John	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Micklton, Stephanie	Norelli, Terie	Noyes, Richard
O'Keefe, Patricia	Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma
Smith, Kevin	Stickney, Nancy	Weatherspoon, Jackie	

STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Hemon, Roland
Heon, Richard	Keans, Sandra	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Palmer, Lorraine	Wiggins, Celestine		
NAYS 195			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	
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	Hunt, John	Manning, Joseph	McNamara, Wanda
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
COOS			
Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
St. Hilaire, Paul	Tholl, John, Jr.		
GRAFTON			
Alger, John	Cobbin, Philip	Connolly, Steven	Eaton, Stephanie
Hill, Richard	Hinman, Harry	LaMott, Paul	MacNeil, Allen

Mirski, Paul	Phinney, William	Teschner, Douglass	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Ameen, W.	Baroody, Benjamin	Batula, Peter
Belvin, William	Bernier, Shannon	Brundige, Robert	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Cardin, Lori	Clay, Susan
Clegg, Robert, Jr.	Cote, Peter	D'Allesandro, Lou	Daigle, Robert
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr.
Emerton, Lawrence, Sr.	Fields, Dennis	Gagnon, Eugene	Golding, William
Goulet, Maurice	Herman, Keith	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	MacIntyre, Doris	Marcinkowski, Michael	McCarty, Winston
McGough, Tim	Melcher, Harold	Mercer, Robert	Mittelman, David
Murphy, Robert	Piteri, Dawn	Riley, Frances	Sargent, Maxwell
Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Donald	Wright, George		
MERRIMACK			
Adams, Stephen	Anderson, Eric	Brown, Mary	Chandler, Earle
Colburn, Thomas	Crowell, Peter	Daneault, Gabriel	Feuerstein, Martin
Hess, David	Hoadley, Elizabeth	Krueger, Patricia	Langer, Ray
Larrabee, David	Lavoie, Gerard	Leber, William	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Owen, Derek	Pfaff, Terence
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon
Belanger, Ronald	Camm, Kevin	Christie, Andrew, Jr.	Cooney, Richard
Dearborn, Bruce	Dodge, Robert	Dowd, Sandra	Dunham, Vivian
Felch, Charles, Sr.	Flanders, David	Flanders, John, Sr.	Francoeur, Sheila
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian

Major, Norman	Malcolm, Kenneth	McCarthy, John, Jr.	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morris, Debbie	Nowe, Ronald
Packard, Sherman	Pantelakos, Laura	Raynowska, Bernard	Reardon, Neil
Sapareto, Frank	Schanda, Frank	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Tufts, J. Arthur	Varrell, Thomas
Vaughn, Charles	Welch, David	Weyler, Kenneth	
STRAFFORD			
Brown, Julie	Callaghan, Frank	Cossette, Larry	Knowles, William
Lundborn, Raymond	McKinley, Robert	Musler, George	Rollo, Michael
Torr, Ann	Torr, Franklin	Tsiros, William	Vincent, Francis
SULLIVAN			
Adler, Rudolf	Ferland, Brenda	Kibbey, David	Leone, Richard
Lindblade, Eric	Robb-Theroux, Amy	Schotanus, Merle	

and the floor Amendment failed.

The question now being the adoption of the report.

Reps. Wiggins, Loren Jean, Rowe, Amanda Merrill and Flora spoke against.

Reps. Christie and Knowles spoke in favor and yielded to questions.

Reps. Simmons and Lozeau spoke in favor.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 137 NAYS 215			
YEAS 137			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Golden, Paul	Holbrook, Robert	Hurt, George
Lawton, David	Lawton, Robert	Rice, Thomas, Jr.	Rosen, Ralph

Salatiello, Thomas	Thomas, John		
CARROLL			
Babson, David, Jr.	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	Hunt, John	McNamara, Wanda	Royce, H. Charles
Smith, Edwin	Steere, Myron, III		
COOS			
Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr.			
GRAFTON			
Connolly, Steven	Hill, Richard	Hinman, Harry	LaMott, Paul
Phinney, William	Teschner, Douglass		
HILLSBOROUGH			
Ameen, W.	Batula, Peter	Belvin, William	Bernier, Shannon
Brundige, Robert	Buckley, Raymond	Calawa, Leon, Jr.	Cardin, Lori
Clay, Susan	Clegg, Robert, Jr.	Cote, Peter	D'Allesandro, Lou
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Dwyer, Paul, Sr.	Emerton, Lawrence, Sr.	Franks, Suzan	Gagnon, Eugene
Golding, William	Holt, David	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
MacIntyre, Doris	McGough, Tim	Melcher, Harold	Mittelman, David
Murphy, Robert	Piteri, Dawn	Searles, Stanley, Sr.	Thulander, O. Alan
White, Donald			
MERRIMACK			
Adams, Stephen	Brown, Mary	Chandler, Earle	Daneault, Gabriel
Hess, David	Langer, Ray	Larrabee, David	Lavoie, Gerard
Leber, William	Morrill, Olive	Pfaff, Terence	Whittemore, James
ROCKINGHAM			

Arndt, Janet	Battles-Peirce, Marjorie	Beaulieu, Jon	Belanger, Ronald
Camm, Kevin	Christie, Andrew, Jr.	Coes, Betsy	Cooney, Richard
Dearborn, Bruce	Dowd, Sandra	Flanders, John, Sr.	Griffin, Mary
Guthrie, Joseph	Henderson, Warren	Johnson, Robert	Klemm, Arthur, Jr.
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
McCarthy, John, Jr.	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Pantelakos, Laura	Raynowska, Bernard
Reardon, Neil	Schanda, Frank	Simmons, John Anthony	Stone, Joseph
Stritch, C. Donald	Syracusa, Anthony	Varrell, Thomas	Vaughn, Charles
STRAFFORD			
Brown, Julie	Callaghan, Frank	Cossette, Larry	Knowles, William
Lundborn, Raymond	McKinley, Robert	Musler, George	Rollo, Michael
Torr, Franklin			
SULLIVAN			
Leone, Richard			
NAYS 215			
BELKNAP			
Laflam, Robert	Pilliod, James	Turner, Robert	
CARROLL			
Bradley, Jeb			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Doucette, Richard	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Metzger, Katherine	O'Connell, John
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
Vogl, John			
COOS			
Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar

Moynihan, Wayne	St. Hilaire, Paul		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Cobbin, Philip	Copenhaver, Marion	Eaton, Stephanie	Guaraldi, Lawrence
Guest, Robert	Lovett, Sidney	Luker, Elsa	MacNeil, Allen
Mirski, Paul	Nordgren, Sharon	Weber, Phil	Williams, William, Jr.
HILLSBOROUGH			
Ackerman, Philip	Allen, W. Gordon	Alukonis, David	Amidon, Eleanor
Arnold, Thomas, Jr.	Baroody, Benjamin	Barry, William, III	Bergin, Peter
Burke, M. Virginia	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clemons, Jane	Daniels, Gary	Drabinowicz, A. Theresa
Durham, Susan	Dyer, Merton	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Joseph	Foster, Linda	Gage, Ruth
Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse Haley, Robert	
Hansen, Herbert	Hart, Nick	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
Konys, Christine	Leishman, Peter	Leonard, Peter	Luebker, Bernard
Lynde, Harold	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William
McCarty, Winston	McDonald, James, Sr.	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Murch, George	O'Hearn, Jane
Peterson, Andrew	Reidy, Frank	Riley, Frances	Rowe, Robert
Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
Wheeler, Robert	White, Jay	Wright, George	
MERRIMACK			
Anderson, Eric	Burney, Carol	Colburn, Thomas	Crosby, Toni
Crowell, Peter	DeStefano, Stephen	Dunn, Miriam	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Krueger, Patricia	Lamach, Bernard
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Moore, Carol

Owen, Derek	Reardon, Tara	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Cushing, Robert	Dalrymple, Janeen	Dodge, Robert
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Francoeur, Sheila	Frechette, Joseph
Gibbons, Paul	Gleason, John	Heath, John	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Langley, Jane	Major, Norman	Malcolm, Kenneth	Micklon, Stephanie
Norelli, Terie	Noyes, Richard	O'Keefe, Patricia	Packard, Sherman
Pitts, Jacqueline	Rabideau, Marie	Sabella, Norma	Sapareto, Frank
Smith, Kevin	Stickney, Nancy	Tufts, J. Arthur	Weatherspoon, Jackie
Welch, David	Weyler, Kenneth		
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Hemon, Roland
Heon, Richard	Keans, Sandra	McCann, William, Jr.	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Taylor, Kathleen
Torr, Ann	Tsiros, William	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		
SULLIVAN			
Adler, Rudolf	Allison, David	Burling, Peter	Cloutier, John
Donovan, Thomas	Ferland, Brenda	Kibbey, David	Lindblade, Eric
Palmer, Lorraine	Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine

and the report failed.

Rep. David Welch moved Inexpedient to Legislate.

Adopted.

INDEFINITE POSTPONEMENT

Rep. Jacobson moved that **HB 1025-FN**, relative to capital murder, first degree murder, and second degree murder, be Indefinitely Postponed.

Adopted.

remarks

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

On a division vote, 181 members having voted in the affirmative and 127 in the negative, the motion was adopted.

Rep. Jeb Bradley moved that the remarks made by Rep. Cushing be printed in the Journal.

Adopted.

Rep. Below: Madam Speaker, we all know that taking the life of another human being is, as a rule, fundamentally wrong. "Thou shall not kill" is the fifth commandment. Most of us do recognize a couple of exceptions to this rule. It is no crime to kill in defense of one's own life or that of another innocent person. Perhaps the most difficult and heroic of acts is to face death in combat to defend one's nation, freedom and democracy. Today we contemplate another possible exception: the death penalty.

Part I, Art. 18 of our New Hampshire Constitution says, "all penalties ought to be proportioned to the nature of the offense." We face three choices today: to expand the death penalty, leave it as it is, or, with the adoption of this amendment, to abolish it, and simply make the penalty for capital murder life imprisonment without any possibility of parole.

In truth, we all seek to do the right thing. Nothing about this issue is easy. I, myself, have felt the anger and outrage of one who has seen the precious life of another extinguished by senseless homicide. I have felt such rage, such a passion to see evil brought to justice, that if given the change, I thought I would volunteer to be the executioner.

I have struggled to reconcile such an urge for retribution with my own core values and beliefs: that human life is sacred; that when possible, we should choose life over death, good over evil, the possibility of redemption over destruction, of healing over revenge, love over hate.

Why do we consider expanding the death penalty today? Can it make sense in a civilized society, to execute - to kill - in order to teach that killing is wrong? Why would we do this? Article 18 of our Constitution concludes that "the true design of all punishments [is] to reform, not to exterminate..." Now I suppose that if the threat of the death penalty were to deter murders, there might be an argument that its presence in law reforms society, if not the individual criminal. However, there is a complete lack of any such empirical evidence to indicate any deterrent effect.

Besides, it is probably safe to assume that murderers simply do not think like us, like normal rational people. They must either think they will not be caught or do not care about consequences at the moment they kill. Deliberate consideration of the laws and their penalties, weighing life imprisonment versus lethal injection, just does not happen by those who murder.

We do have another essential task to consider: to assure that society is protected from ever again being victimized by those who commit the most heinous murders. In this "live free or die" state, we can achieve this goal by saying that for those who are guilty of capital murder, we will lock them up and throw away the key until the day they die. They will be denied their freedom for the rest of their natural lives.

Part II, Art. 83 of our Constitution makes it a duty of our office, as legislators, to "inculcate the principles of humanity and general benevolence...among the people." Inculcate - meaning to impress upon the mind by persistent urging - the principle of humanity - civilizing, refining; having what are considered the best qualities of humankind: tenderness, kindness, mercy - and we are to inculcate the principle of general - or widespread - benevolence - meaning any inclination to do good; goodwill; charity. Thus, it is our sworn duty, as leaders of this body politic, to foster the best qualities and the most potential for good in the people of our state.

These constitutional principles point to a very basic problem with the death penalty: it denies the possibility of redemption and reform. No matter how great the sin, or how evil the crime, who are we to deny the possibility that through God's love, a human spirit might be redeemed, changed and transformed; that true regret and remorse might lead to repentance, atonement, even some healing; that the best qualities of humanity might be more fully realized? Who are we to deny such a possibility?

Two thousand years ago, Jesus said that though "you have heard an 'Eye for an eye, and a tooth for a tooth,' I tell you that you should not set yourself against those who wrong you;...that although you have been told 'Love your neighbor, hate your enemy,' I tell you: love your enemies, and pray for those who persecute you." Jesus espoused the dignity and worth, the potential for redemption and good, in every human being. Who are we to deny it?

Two hundred years ago, John Newton wrote the words: "Amazing grace, how sweet the sound, that saved a wretch like me, I once was lost, but now am found; was blind, but now I see." John Newton, that lost and blind wretch of a soul, was a slave trader. By his own account, scores of slaves, scores of innocent men, women and children, died and were buried at sea while in his custody as he commanded slave trading ships in the 1750s. In another time and place, in another jurisdiction, John Newton might have been subjected to the death penalty for his horrific crimes against humanity, for the death that he was directly responsible for.

Instead, by the amazing grace of God he saw the light, repented, was redeemed and found. Instead, John Newton became an eloquent and influential leader of the anti-slavery movement that led to the abolition of slave trade under English law - and he gave us the hymn, *Amazing Grace*. Who are we to deny the possibility of redemption, true change and healing?

Early last month the State of Texas executed Karla Faye Tucker who had brutally murdered with a pickaxe. During her fifteen years on death row she underwent a religious conversion "that, according to people who knew her," was sincere and "redirected her life" in prison to serving "God and helping others."² She expressed regret for her crime and apologized to the relative of her victims "even as she was strapped to the gurney" for her lethal injection. Some commentators have questioned or even mocked her conversion and wondered if it was just a ploy to gain leniency. Karla Fay's spiritual status is between her and her maker. But, who are we to deny, through execution, the possibility of redemption? Who are we to foreclose, through the death penalty, "the prospect of genuine moral change?"

We have been nearly 60 years without an execution in New Hampshire. Why revive this ancient and divisive practice now? As we enter a new millenium, when virtually all civilized and democratic

nations, save ours, have abolished the death penalty, and most such nations will not even extradite accused murderers to states where they might face execution, why revive and expand this practice?

Our desire for justice, retribution and even revenge comes to us naturally. But why let murderers debase our values and diminish our love for life? Why allow murderers to make us participants in perpetuating cycles of violence and revenge. Why drag allow of us down by placing the blood of unnecessary killing on all of our hands?

The death penalty does not advance the cause of justice. It does not deter. It is morally wrong; and, incidentally, it is a serious waste of the taxpayer's money. In case you haven't heard, each death penalty that we as a state seek to impose is likely to cost all of us on the order of 1 to 2 million dollars more than the cost to impose and carry out a sentence of life imprisonment. I can think of a lot better uses for such money, especially if our goal is to reduce the incidence of crime, violence and victimization and instead, increase the peace.

In conclusion, Madam Speaker, I urge my colleagues who are in doubt about whether to expand the death penalty or to abolish it, to yield their doubt on this question to those who strongly believe that it is wrong in a democracy to place all of us, as citizens of this state, as a body politic, in the role of executioner and premeditated killer. Please yield your doubt in favor of life, humanity and general benevolence.

Yield your vote now in favor of the power of love and the possibilities, yes, the possibilities, of redemption, reform, and healing. Thank you.

Rep. Cushing: Thank you, Madam Speaker. I rise to speak in support of the Below/Cushing Floor Amendment. I've thought a lot about murder. I really wish we weren't talking about murder, death and the death penalty today. I am opposed to the death penalty, but I want to talk about it in terms of crimes and victims and base my opposition in a way that acknowledges the primacy, the pain of victims and that is conscious of the fact that a discussion of the death penalty is not in and of itself a revictimization of homicide survivors. I am opposed to violence and killing first and that includes the death penalty. But, I am respectful of those who from a moral view, believe otherwise.

On June 1, 1988, Marie and Robert Cushing planted a garden in the backyard of their home at 395 Winnacunnet Road in Hampton. It was a ritual of the season in a familiar place, in the ground they had bought together in 1952 with the GI Bill. The same 12,000 square foot lot where they raised their seven children. Robert had retired as an elementary school teacher several years earlier. Marie was 17 days from her retirement after 23 years teaching reading in Newmarket. They were celebrating a new granddaughter also named Marie Cushing. The first child of their oldest son, my first daughter, who, on June 1st, marked her 59th day on earth. They were happy. Life was good. In mid-evening I stopped off for a visit, some quick tales, some smiles, some laughs with my Dad. I left him at the kitchen table reading the nightly paper while my Mother lay on the couch watching the Celtic's playoffs. A while after I left, a stranger knocked is on the front door. My father got up to answer. Two shotgun blasts were fired through the screen, lifting him up and hurling him backwards, the shrapnel lifting the life out of him.

Those who love me and love my six brothers and sisters say that from the moment that shotgun blast turned my father's chest into hamburger, my laugh and our laughs have never been the same. June 1, 1988 was a transformational day that will mark my life forever. Murder is awful. I can't tell you how painful it is to have someone you love murdered. I can't tell you about the emptiness, about the hurt. I can't begin to tell you how others treat you. When the murder is done, in a moment there is a whole series of revictimizations that begin. It is the death notification and the autopsy and the casket and the makeup and the burial and the investigation and the indictment and the trial and the

hearing and the appeal. It is what I call the dead zone. I don't know if it ever gets over. I am in it right now as I speak to you. The most difficult thing I have ever had to ask anyone was for help in getting my father's blood cleaned off the floor and walls.

Survivors of crime, survivors of homicide want three things. They want to know the truth about what happened. It doesn't mean that there will be a rational understanding of events but they want to know the truth. They want to have justice in whatever fashion. I can tell you in the instance of a murder that real justice would only come if you could exchange the life of the one who killed for the life in the grave. That is justice. We can't do that. So we have to fashion something akin to that. Finally, we want to heal. I think that is the same for individuals affected by murder or for a society. A man came up to me after my father was murdered and the individual's responsible arrested and said, "I hope they fry those people. I hope they fry them so you people can get some peace." I know that man meant to comfort, but to me that was the most horrible thing he could have possibly said, I think, at that moment.

Prior to my father's murder I had evolved a personal set of values that included a respect for life and an opposition to the death penalty. Although I am of the Irish-Catholic tradition, whose religious teachings include "Thou shalt not kill," that's not all of it, it is just more of how I want to live my life and the vision I have for the society I want to live in. For me to change my beliefs because my father was murdered would only give over more power to the killers, for they would take not just my father's life, but my values. The same is true for society. If we let those who murder turn us to murder, it gives over more power to those who do evil. We become what we say we abhor. I do not want to be consumed by hate; "an eye for an eye" leaves everyone blind. I do not want the State of New Hampshire to do to the man who murdered my father what that man did to my family. You have to know that for some survivors of homicide, the thought of executing someone adds to the pain. Nothing makes me shudder more than the carnival atmosphere that I see surrounding executions. It is like it's a party. That is incredibly disrespectful to victims.

At the end of the day we will be deciding whether to abolish the death penalty, to keep it as it is or to expand it. But, no matter what the outcome of today's discussion is, there is nothing to celebrate. No one should leave here feeling good about having to have a talk about murder. It represents a colossal failure of society and of individuals.

My youngest daughter's name is Grace; Amazing Grace like the song that Cliff referred to, the song written by a man who was a murderer and a slaver and turned into an abolitionist. Every day I think about murder. When I hear my children's laughter, I hear the sound of my father. I miss him. I wish I could bring him back. I'm sure a lot of people would like that. I can't bring him back. What I can do is honor his life and try to lead my life upholding the ideals that he instilled in me. I'm going to spend a long time wrestling with my father's murder. I'm going to try to figure out a way to relate to those who caused me such pain in taking from me the most influential person I have known. I don't know if it will ever be possible to come to reconciliation. I am glad they are serving life without parole instead of the death penalty. I don't want to spend my life consumed by hatred. I want to hold out the possibility that someday I'll be able to forgive. As one victim, as a colleague, I stand before you to ask that you vote to abolish the death penalty, not so much because I want murderers to live but because if the state kills them, that forever forecloses the possibility that those of us who are victims might be able to figure out how to forgive. We've lost enough already. Don't take that option for healing away, please.

RECESS

(Speaker Sytek in the Chair)

RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of welcoming the members of the 1998 Olympic Gold-Medal winning Women's Ice Hockey Team.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of welcoming the members of the 1998 Olympic Gold-Medal winning Women's Ice Hockey team..

JOINT CONVENTION

(Speaker Sytek presiding)

INTRODUCTION OF GUESTS

Walter Dunn, father of Tricia Dunn; Joe and Sue King, parents of Katie King; and Sue, Mike and Mick Mounsey, the parents and brother of Tara Mounsey, guests of the Joint Convention.

Katie King of Salem, Tricia Dunn of Derry and Tara Mounsey of Concord were welcomed by the Joint Convention.

Sen. Blaisdell and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Sytek in the Chair)

SPECIAL ORDERS (CONT'D.)

HB 1365, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David T. Mittelman for the Majority of Commerce: At the present time, it is neither prudent nor necessary to establish a study committee to examine the merger between Catholic Medical Center and Elliot Hospital. There are already mechanisms in place for doing exactly that. On the state level, the Attorney General's office is reviewing the legality of the merger. On the local level, the mayor

has created a Task Force on the Future of Healthcare in Greater Manchester. For the legislature to conduct an additional study would only duplicate these efforts. In fact, another study may only serve to distract from the Attorney General's and the Task Force's work. While it may be necessary to establish a legislative study committee in the future, to do so now would be both premature and counterproductive. Vote 11-4.

Rep. William J. McCarthy for the Minority of Commerce: With the recent and continuing controversy regarding the Optima merger of Elliot and CMC and the ensuing suspicions, it would seem to be a very prudent, responsible, considerate, respectful and effective move to keep this bill, a bill calling simply for a committee to study possible violations of ANY state laws in the merger of CMC and Elliot Hospitals, rather than dealing it a death blow now. Keeping it alive would not only be considerate of the people of Manchester who have expressed their serious concerns over this controversial merger, but would also provide the legislature with the flexibility and power to learn how to prevent possible problems in the future. The minority urges you to pass HB 1365 and thinks that an ITL recommendation is premature, peremptory and unnecessary. The House should keep its options open and pass HB 1365 which the Minority believes duplicates neither the efforts of the Attorney General or the Mayors Task Force.

Reps. William McCarthy, Robert Chabot, Donald Welch, Paul Dwyer, Reidy, Baroody, Desrosiers and Vaillancourt spoke against.

Reps. D'Allesandro and Mittleman spoke in favor and yielded to questions.

Rep. Buckley spoke against and yielded to questions.

Rep. Hunt spoke in favor.

Rep. Donald Welch requested a roll call; sufficiently seconded.

The question being the adoption of the Majority report.

YEAS 170 NAYS 155			
YEAS 170			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Holbrook, Robert	Hurt, George	Lawton, David	Pilliod, James
Thomas, John			
CARROLL			
Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Cooper, Kipp
Dickinson, Howard, Jr.	Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy
MacDonald, Kenneth	Patten, Betsey	Philbrick, Donald	

CHESHIRE			
Avery, Stephen	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
COOS			
Davis, Perley	Merrill, Gerald	Pratt, Leighton	St. Hilaire, Paul
Tholl, John, Jr.			
GRAFTON			
Alger, John	Eaton, Stephanie	Ham, Bonnie	Hill, Richard
LaMott, Paul	MacNeil, Allen	Phinney, William	Teschner, Douglass
Williams, William, Jr.			
HILLSBOROUGH			
Ackerman, Philip	Alukonis, David	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr.
Cardin, Lori	Clay, Susan	D'Allesandro, Lou	Daniels, Gary
Dawe, Eileen	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis	Flora, Kathleen
Franks, Suzan	Golding, William	Hart, Nick	Herman, Keith
Holt, David	Hunter, Bruce	Jean, Claudette	Kurk, Neal
LaRose, Richard	Lozeau, DonnaLee	MacGillivray, Jeffrey	MacIntyre, Doris
Martin, Mary	McCarty, Winston	McGough, Tim	Mercer, Robert
Messier, Irene	Mittelman, David	Murphy, Robert	O'Hearn, Jane
Peterson, Andrew	Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.
Thulander, O. Alan	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Chandler, Earle	Crosby, Toni	Crowell, Peter
Dunn, Miriam	Feuerstein, Martin	Hess, David	Hoadley, Elizabeth
Lamach, Bernard	Leber, William	Lockwood, Robert	Marshall, Kenneth
Maxfield, Roy	Morrill, Olive	Reardon, Tara	Whalley, Michael
ROCKINGHAM			

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Camm, Kevin	Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard
Dearborn, Bruce	Dolan, Richard	Dowd, Sandra	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila	Gleason, John
Griffin, Mary	Guthrie, Joseph	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Klemm, Arthur, Jr.
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McCarthy, John, Jr.	Moore, Benjamin	Nowe, Ronald
Noyes, Richard	Pitts, Jacqueline	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stickney, Nancy	Stone, Joseph
Stritch, C. Donald	Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles
Verani, Giovanni	Welch, David	Weyler, Kenneth	
STRAFFORD			
Brown, Julie	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Grassie, Anne	Lundborn, Raymond	McKinley, Robert	Musler, George
Snyder, Clair	Spear, Barbara	Torr, Franklin	Tsiros, William
Vincent, Francis			
SULLIVAN			
Adler, Rudolf	Allison, David	Kibbey, David	Leone, Richard
Lindblade, Eric	Schotanus, Merle		
NAYS 155			
BELKNAP			
Boriso, Thomas	Golden, Paul	Laflam, Robert	Lawton, Robert
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Turner, Robert
CARROLL			
None			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Meader, David	Pratt, John

Richardson, Barbara	Robertson, Timothy	Vogl, John	
COOS			
Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			
GRAFTON			
Akins, Ralph	Almy, Susan	Below, Clifton	Copenhaver, Marion
Guest, Robert	Hinman, Harry	Lovett, Sidney	Luker, Elsa
Mirski, Paul	Nordgren, Sharon	Weber, Phil	
HILLSBOROUGH			
Allen, W. Gordon	Ameen, W.	Amidon, Eleanor	Baroody, Benjamin
Barry, William, III	Bernier, Shannon	Buckley, Raymond	Burke, M. Virginia
Carlson, Donald	Chabot, Ernest	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr.	Clemons, Jane	Cote, Peter	Daigle, Robert
Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr.	Foster, Joseph
Foster, Linda	Gage, Ruth	Gagnon, Eugene	Ginsburg, Ruth
Haettenschwiller, Alphonse Holley, Sylvia	Jean, Loren	Johnson, Lionel	
Konys, Christine	L'Heureux, Robert	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Luebker, Bernard	Lynde, Harold
Marcinkowski, Michael	McCarthy, William	McDonald, James, Sr.	McRae, Karen
Melcher, Harold	Milligan, Robert	Murch, George	Reidy, Frank
Riley, Frances	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Donald	White, Jay		
MERRIMACK			
Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Krueger, Patricia	Langer, Ray	Larrabee, David	Lavoie, Gerard
Moore, Carol	Owen, Derek	Rogers, Katherine	Seldin, Gloria
St. Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Dalrymple, Janeen	Dodge, Robert	Dunham, Vivian	Flanders, David
Frechette, Joseph	Heath, John	Kane, Cecelia	Kelley, Jane
Langley, Jane	McKinney, Betsy	Micklon, Stephanie	Mikowski, Walter
Morris, Debbie	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Sabella, Norma	Schanda, Frank	Syracusa, Anthony	
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Estabrook, Iris	Hemon, Roland	Heon, Richard	Keans, Sandra
McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Sullivan, Henry	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Burling, Peter	Cloutier, John	Donovan, Thomas	Ferland, Brenda
Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine	

and the Majority report was adopted.

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

Reps. Pfaff, Piteri and Ann Torr declared conflicts of interest and did not participate.

HB 1397-FN-A-L, reestablishing the investment tax credit against the business profits tax under the community development finance authority. REFER FOR INTERIM STUDY

Rep. Avis B. Nichols for Finance: This bill would not only extend the investment tax credit against the Business Profits Tax for investments under the Community Finance Authority but would increase the amount of the credit from \$2,000,000 per year to \$5,000,000. This could decrease state revenue each year up to \$6,200,000 in year 2002. By voting Interim Study for this bill the approved projects will continue to be funded. It will also give the legislature time to continue looking at funding for the Claremont decision before decreasing proceeds from the BPT. Vote 12-5.

Reps. Fuller Clark and Avery spoke against.

Reps. Weyler and Kurk spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 154 NAYS 169			
YEAS 154			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Calvert, Alice	Clark, Charles
Golden, Paul	Holbrook, Robert	Lawton, David	Pilliod, James
Rice, Thomas, Jr.	Rosen, Ralph	Thomas, John	Turner, Robert
CARROLL			
Babson, David, Jr.	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey			
CHESHIRE			
McNamara, Wanda	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
COOS			
Davis, Perley	Guay, Lawrence	Pratt, Leighton	Tholl, John, Jr.
GRAFTON			
Akins, Ralph	Alger, John	Cobbin, Philip	Eaton, Stephanie
Guaraldi, Lawrence	Ham, Bonnie	Hill, Richard	Hinman, Harry
Teschner, Douglass	Weber, Phil	Williams, William, Jr.	
HILLSBOROUGH			
Alukonis, David	Ameen, W.	Arnold, Thomas, Jr.	Batula, Peter
Belvin, William	Bergin, Peter	Brundige, Robert	Burke, M. Virginia
Calawa, Leon, Jr.	Carlson, Donald	Chabot, Ernest	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr.	Daniels, Gary	Desrosiers, William
Durham, Susan	Dwyer, Paul, Sr.	Dyer, Merton	Emerton, Lawrence, Sr.
Fenton, James	Gagnon, Eugene	Golding, William	Goulet, Maurice
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	Luebker, Bernard	MacGillivray, Jeffrey	MacIntyre, Doris

Marcinkowski, Michael	McCarthy, William	McCarty, Winston	McRae, Karen
Milligan, Robert	Mittelman, David	Murch, George	O'Hearn, Jane
Peterson, Andrew	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Thulander, O. Alan	Wheeler, Robert	White, Donald
Wright, George			
MERRIMACK			
Anderson, Eric	Chandler, Earle	Crowell, Peter	Feuerstein, Martin
Hess, David	Lamach, Bernard	Langer, Ray	Larrabee, David
Lavoie, Gerard	Leber, William	Marshall, Kenneth	Morrill, Olive
Whalley, Michael			
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Griffin, Mary	Guthrie, Joseph	Henderson, Warren
Klemm, Arthur, Jr.	Kobel, Rudolph	Letourneau, Robert	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Verani, Giovanni	Welch, David
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Cossette, Larry	Musler, George	Spear, Barbara
Torr, Franklin			
SULLIVAN			
Adler, Rudolf	Kibbey, David		
NAYS 169			
BELKNAP			

Boriso, Thomas	Hurt, George	Laflam, Robert	Lawton, Robert
Salatiello, Thomas			
CARROLL			
Cooper, Kipp	Dickinson, Howard, Jr.	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meadar, David	Metzger, Katherine
Pratt, John	Richardson, Barbara	Robertson, Timothy	Vogl, John
COOS			
Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Merrill, Gerald	Moynihan, Wayne	St. Hilaire, Paul	
GRAFTON			
Almy, Susan	Below, Clifton	Copenhaver, Marion	Guest, Robert
Lovett, Sidney	Luker, Elsa	Nordgren, Sharon	Phinney, William
HILLSBOROUGH			
Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Barry, William, III
Buckley, Raymond	Clay, Susan	Clemons, Jane	Cote, Peter
D'Allesandro, Lou	Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia
Drabinowicz, A. Theresa	Fields, Dennis	Flora, Kathleen	Foster, Joseph
Foster, Linda	Franks, Suzan	Gage, Ruth	Ginsburg, Ruth
Haettenschwiller, Alphonse Hart, Nick	Holt, David	Jean, Claudette	
Johnson, Lionel	Konys, Christine	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McDonald, James, Sr.	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Murphy, Robert
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	Welch, Donald
White, Jay			
MERRIMACK			
Burney, Carol	Crosby, Toni	Daneault, Gabriel	DeStefano, Stephen

Dunn, Miriam	Fraser, Marilyn	French, Barbara	Gile, Mary
Hager, Elizabeth	Hoadley, Elizabeth	Jacobson, Alf	Lockwood, Robert
Maxfield, Roy	Moore, Carol	Owen, Derek	Pfaff, Terence
Reardon, Tara	Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Francoeur, Sheila	Frechette, Joseph	Gleason, John	Heath, John
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Micklon, Stephanie	Morris, Debbie	Norelli, Terie	Noyes, Richard
Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Stickney, Nancy	Syracusa, Anthony	Vaughn, Charles	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Hemon, Roland	Heon, Richard	Keans, Sandra	Lundborn, Raymond
McCann, William, Jr.	McKinley, Robert	Merrill, Amanda	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Sullivan, Henry	Taylor, Kathleen	Torr, Ann
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Leone, Richard	Lindblade, Eric	Palmer, Lorraine
Robb-Theroux, Amy	Schotanus, Merle	Wiggins, Celestine	

and the report failed.

Reps. Krueger and Mirski declared conflicts of interest and did not participate.

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

Floor Amendment (0976h)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 1999.

Rep. Fuller Clark spoke in favor.

Adopted.

Report adopted and ordered to third reading.

REGULAR CALENDAR

HB 1189-FN, increasing the limits of direct off-premises sales from breweries and brew pubs.
OUGHT TO PASS WITH AMENDMENT

Rep. William J. Desrosiers for Local and Regulated Revenues: This bill as amended will allow small craft brewers to sell one case of beer per person per day directly from the place of manufacture. Present law allows one 6-pack to be sold. This helps the brewer create demand for its product through tourism and "word of mouth," i.e., taste. Vote 12-3.

Amendment (0867h)

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

1 Beverage Manufacturer; Off-Premises Sales. Amend RSA 178:10, V to read as follows:

V. The holder of a beverage manufacturer license may sell beverages to the general public for off-premises consumption, in quantities not to exceed ~~[72 fluid ounces]~~ **the equivalent of one case of 12 ounce containers per person per day**. Package sizes shall be approved, pursuant to RSA 179:33, I and II. Such beverages shall not be sold to retail licensees for resale. Each beverage manufacturer shall pay a fee as required by RSA 178:30, I for each gallon of beverage sold under this paragraph.

2 Brew Pub; Off-Premises Sales. Amend RSA 178:10-a, II to read as follows:

II. Brew pub licenses shall authorize the licensee to manufacture and sell beer to individuals for on-sale consumption, for off-sale consumption; and additionally to sell the beer it manufactures to wholesale distributors for distribution within the state and to transport the beer the brew pub manufactures to the state line for sale outside the state. A brew pub, as a functional part of its premises, shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:19, II(a)(1) and RSA 178:20, V(q). Off-sales of beer brewed by a brew pub, not to exceed ~~[180 fluid ounces]~~ **the equivalent of one case of 12 ounce containers** per person per day shall be made in containers ordinary and customary to the industry which shall be approved by the commission.

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

Adopted.

Report adopted and ordered to third reading.

HB 1467, establishing a study committee to determine the means and criteria for generating an analysis of New Hampshire's long-term strategic options regarding the sale and distribution of distilled spirits, beer, and wine. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Local and Regulated Revenues: This vehicle will permit the committee to review and analyze the state of New Hampshire's long term strategic options regarding the sale and distribution of distilled spirits, wine and beer. Vote 12-3.

Adopted.

HB 1252, relative to the right to farm. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill provides protection for agricultural activities by creating a presumption that unless explicitly addressed through zoning, such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets and food and with federal and state laws, regulations and rules. The amendment changed the effective date to July 1, 1999 to give municipalities the opportunity to amend their zoning laws if necessary. Vote 13-2.

Amendment (0849h)

Amend RSA 674:32-a as inserted by section 3 of the bill by replacing it with the following:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

Amend RSA 674:32-b, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception or other permit, and may be regulated to the extent necessary to prevent demonstrated adverse impacts on adjacent property.

Amend RSA 674:32-c, II as inserted by section 3 of the bill by replacing it with the following:

II. Nothing in this subdivision shall exempt agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the building inspector, administrative officer, or board of adjustment or building code board of appeals acting on appeal, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill provides protections for agricultural activities by creating a presumption that unless explicitly addressed through zoning such activities are deemed permitted if conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and all applicable laws and regulations.

Adopted.

Report adopted and ordered to third reading.

HB 1435-L, relative to the vote required for a legislative body of a municipality to accept a street.
OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. McGuirk for Municipal and County Government: Currently, when a landowner has a tax dispute over a town boundary which affects his/her boundary, an appeal is filed. Section 1 of this bill gives the Board of Land & Tax Appeals the authority to settle the appeal instead of requiring the taxpayer to go to Superior Court. Section 2, 3 and 4 deal with conflicting and confusing appeal dates regarding Land Use Change Tax. Right now, there are two separate appeal periods for Land Use Change Tax and this portion of the bill provides a single appeal period (two months from the date of bill for an appeal to the town and eight months from date of bill for an appeal to Board of Land and Tax Appeals.) Section 5 deals with the votes required for the acceptance of streets by an authorized Planning Board. In the bill a majority of those present and voting or 2/3 of those present and voting are required, instead of a majority or 2/3 of the entire membership of the local legislative body. Section 6 deals with exempting islands served exclusively by boats from the requirement of being on an approved or platted road if the local legislative body votes to approve the policy. Vote 11-3.

Amendment (0875h)

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

AN ACT relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

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

1 Disputed Town Line; Certain Board of Tax and Land Appeals Added. Amend RSA 51:7 to read as follows:

51:7 Disagreement.

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

2 Failure to File Inventory; References Added. Amend RSA 74:7-a, I to read as follows:

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement ~~[which is claimed on the grounds of improper assessment valuation]~~ ***of an assessment under RSA 75:1***, but shall not lose the right to apply for, or appeal the denial of, any other type of tax relief ***including an appeal under RSA 72:34, an assessment under RSA 75:10, and a land use change tax under RSA 79-A:7***. This penalty has all the force of taxation and shall be treated as incident to the tax.

3 Extensions of Applications; Reference Removed. Amend the introductory paragraph of RSA 76:16-d, II to read as follows:

II. In towns with dates of notice of tax, as defined in RSA 72:1-d and RSA 76:1-a, after December 31, the uniform deadlines in exemption, deferral, and taxation applications, replies and appeals statutes, including RSA 72:33, 34, 34-a, 38-a[~~7~~] ***and*** RSA 76:16, 16-a, ***and*** 17[~~and RSA 79-A:10~~], shall be as follows:

4 Abatement of Land Use Change Tax. RSA 79-A:10 is repealed and reenacted to read as follows:

79-A:10 Abatement of Land Use Change Tax.

I. Any person aggrieved by the assessment of a land use change tax may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the land use change tax.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the land use change tax, any person aggrieved may either:

(1) Apply in writing to the board of tax and land appeals accompanied with a \$65 filing fee; or

(2) Petition the superior court in the county.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the land use change tax bill.

V. Each land use change tax bill shall require a separate abatement request and appeal.

5 Acceptance of Streets; Vote of Those Present and Voting. Amend RSA674:40, III(a) and (b) to read as follows:

(a) If approved by the board, be approved by a majority vote of ~~[the entire membership]~~ ***those present and voting at a regular or special meeting*** of the local legislative body; or

(b) If disapproved by the planning board, be approved by not less than 2/3 of ~~[the entire membership of the local legislative body in the case of a city or of a county in which there are located unincorporated towns or unorganized places, or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or district]~~ ***those present and voting at a regular or special meeting of the local legislative body.***

6 New Paragraph; Building Permits; Streets on Islands. Amend RSA 674:41 by inserting after paragraph II the following new paragraph:

II-a. Municipalities may except island lots for islands served exclusively by boats from the requirements of paragraphs I and II by an affirmative vote of the local legislative body, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

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

AMENDED ANALYSIS

This bill :

I. Allows the board of tax and land appeals to decide disputes as to the location of town lines in an appeal concerning abatement of taxes.

II. Clarifies the time limits for abatement and appeal of a land use change tax.

III. Changes the vote required by a legislative body to accept a street.

IV. Allows municipalities to except islands from certain requirements concerning streets.

Adopted.

Report adopted and ordered to third reading.

HB 1656, relative to the law enforcement memorial. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Lou D'Allesandro for the Majority of Public Works and Highways: This bill deals with the issue of moving the previously approved Legislative Office Building location of the law enforcement memorial. New locations proposed included the Police Academy and the Justice Department. Previous legislation approving the LOB site did not include any legislative oversight, and the majority of committee members felt that since the design has been approved and work is already commencing on the memorial it was too late to throw other locations into the mix, and the committee strongly supported having the memorial remain in its previously approved location. The committee did not approve any of the offered amendments. Vote 12-4.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: This bill, if amended, would place the law enforcement memorial on the grounds of the Department of Justice. Although the design of the memorial is not what was originally envisioned or anticipated, it is impressive and a fitting tribute to those it honors. To fulfill its purpose this memorial should have the quality of a sanctuary, a place which inspires contemplation and reflection. The lawn of the Legislative Office Building is not the most appropriate location for the memorial that has been designed. The design overwhelms rather than enhances the site. The memorial is a plaza, 42 feet in diameter, emblazoned by a flame standing 10-1/2 feet high. It does not grace the space, but consumes it. The lawn of the LOB offers little sanctuary. The memorial would stand on one of the busiest intersections in Concord. This will not provide the serenity and tranquillity this memorial deserves. The grounds of the Department of Justice would offer sufficient shelter but accessible space where the memorial would foster the contemplative and reflective setting for which it is designed.

Reps. Katherine Rogers and Wallin spoke against.

Rep. D'Allesandro spoke in favor and yielded to questions.

Rep. Benjamin Moore spoke in favor.

Rep. Tholl requested a roll call; sufficiently seconded.

The question being the adoption of the Majority report.

YEAS 196 NAYS 115			
YEAS 196			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Hurt, George	Laflam, Robert	Lawton, David
Lawton, Robert	Pilliod, James	Rice, Thomas, Jr.	Turner, Robert
CARROLL			
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	Burnham, Daniel	Hunt, John	Meadar, David
Metzger, Katherine	Royce, H. Charles	Smith, Edwin	Steere, Myron, III
COOS			
Coulombe, Henry	Davis, Perley	Guay, Lawrence	Merrill, Gerald
Moynihan, Wayne	Pratt, Leighton	Tholl, John, Jr.	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Below, Clifton
Cobbin, Philip	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Hinman, Harry	LaMott, Paul	Mirski, Paul
Phinney, William	Teschner, Douglass	Weber, Phil	Williams, William, Jr.
HILLSBOROUGH			
Ackerman, Philip	Alukonis, David	Arnold, Thomas, Jr.	Belvin, William
Brundige, Robert	Burke, M. Virginia	Calawa, Leon, Jr.	Carlson, Donald
Chabot, Ernest	Christiansen, Lars	Clay, Susan	Clegg, Robert, Jr.
D'Allesandro, Lou	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A. Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence, Sr.	Fields, Dennis	Flora, Kathleen	Foster, Linda
Gage, Ruth	Gagnon, Eugene	Golding, William	Goulet, Maurice
Haettenschwiller, Alphonse Hart, Nick	Herman, Keith	Holt, David	
Hunter, Bruce	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
MacIntyre, Doris	McCarty, Winston	McDonald, James, Sr.	McGough, Tim
Mercer, Robert	Messier, Irene	Mittelman, David	Murphy, Robert
O'Hearn, Jane	Riley, Frances	Rowe, Robert	Sargent, Maxwell
Searles, Stanley, Sr.	Thulander, O. Alan	Turgeon, Roland	Wheeler, Robert
White, Jay	Wright, George		

MERRIMACK			
Chandler, Earle	Crowell, Peter	Daneault, Gabriel	Hess, David
Jacobson, Alf	Krueger, Patricia	Lamach, Bernard	Langer, Ray
Larrabee, David	Leber, William	Lockwood, Robert	Marshall, Kenneth
Morrill, Olive	St. Cyr, Gerard	Whalley, Michael	Whittemore, James
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Frechette, Joseph	Gleason, John	Griffin, Mary	Guthrie, Joseph
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Malcolm, Kenneth	Mikowski, Walter	Moore, Benjamin
Morris, Debbie	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Varrell, Thomas	Vaughn, Charles	Verani, Giovanni	Welch, David
Weyler, Kenneth			
STRAFFORD			
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Dunlap, Patricia	Lundborn, Raymond	McKinley, Robert	Musler, George
Rogers, Rose Marie	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Tsiros, William	Twardus, Joseph	
SULLIVAN			
Allison, David	Kibbey, David	Leone, Richard	Lindblade, Eric
NAYS 115			
BELKNAP			
Golden, Paul	Holbrook, Robert	Rosen, Ralph	Salatiello, Thomas

CARROLL			
Babson, David, Jr.			
CHESHIRE			
Bonneau, Sarah	DePecol, Benjamin	Doucette, Richard	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Pratt, John	Richardson, Barbara	Robertson, Timothy	Vogl, John
COOS			
Bradley, Paula	Hawkinson, Marie		
GRAFTON			
Copenhaver, Marion	Guest, Robert	Lovett, Sidney	Luker, Elsa
Nordgren, Sharon			
HILLSBOROUGH			
Allen, W. Gordon	Ameen, W.	Amidon, Eleanor	Barry, William, III
Batula, Peter	Bergin, Peter	Buckley, Raymond	Chabot, Robert
Cote, Peter	Daigle, Robert	Fenton, James	Ginsburg, Ruth
Holley, Sylvia	Jean, Claudette	Jean, Loren	Konys, Christine
Leishman, Peter	Leonard, Peter	Luebker, Bernard	Lynde, Harold
Martin, Mary	McCarthy, William	McRae, Karen	Melcher, Harold
Milligan, Robert	Murch, George	Peterson, Andrew	Reidy, Frank
Vaillancourt, Steve	Welch, Donald	White, Donald	
MERRIMACK			
Anderson, Eric	Burney, Carol	Crosby, Toni	DeStefano, Stephen
Dunn, Miriam	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth	Lavoie, Gerard
Maxfield, Roy	Moore, Carol	Owen, Derek	Reardon, Tara
Rogers, Katherine	Seldin, Gloria	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cushing, Robert
Dunham, Vivian	Francoeur, Sheila	Heath, John	Hutchinson, Rebecca

Kane, Cecelia	Langley, Jane	McKinney, Betsy	Micklon, Stephanie
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Tufts, J. Arthur		
STRAFFORD			
Bickford, David	Brennan, William	Estabrook, Iris	Hemon, Roland
Keans, Sandra	McCann, William, Jr.	Merrill, Amanda	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Vachon, Dennis	Wall, Janet		
SULLIVAN			
Adler, Rudolf	Burling, Peter	Cloutier, John	Donovan, Thomas
Ferland, Brenda	Palmer, Lorraine	Robb-Theroux, Amy	

and the Majority report was adopted.

suspension of rules

Reps. Wheeler and Burling moved that the rules be so far suspended as to permit the extension of the reporting date to April 1, 1998 for *HB 1000-FN-L*, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike and *HB 1663-FN*, relative to rulemaking under the administrative procedures act and to permit the extension of the reporting date to May 13, 1998 for all other bills approved for late introduction by the Rules Committee on January 20, 1998.

Adopted by the necessary two-thirds.

reconsideration

Having voted in the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted Inexpedient to Legislate on *HB 1365*, establishing a committee to study whether any state laws were violated or any misrepresentations made up to and including the present date in the merger of Catholic Medical Center and Elliot Hospital, and spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 144 NAYS 169			
YEAS 144			

BELKNAP			
Golden, Paul	Laflam, Robert	Lawton, Robert	Rosen, Ralph
Salatiello, Thomas	Turner, Robert		
CARROLL			
None			
CHESHIRE			
Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	Meadar, David	Pratt, John
Richardson, Barbara	Robertson, Timothy	Vogl, John	
COOS			
Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Moynihan, Wayne			
GRAFTON			
Akins, Ralph	Almy, Susan	Below, Clifton	Cobbin, Philip
Copenhaver, Marion	Guest, Robert	Hinman, Harry	LaMott, Paul
Lovett, Sidney	Luker, Elsa	Mirski, Paul	Nordgren, Sharon
Weber, Phil			
HILLSBOROUGH			
Ackerman, Philip	Allen, W. Gordon	Ameen, W.	Amidon, Eleanor
Barry, William, III	Buckley, Raymond	Burke, M. Virginia	Chabot, Ernest
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr.	Clemons, Jane
Cote, Peter	Daigle, Robert	Daniels, Gary	Dokmo, Cynthia
Drabinowicz, A. Theresa	Dwyer, Paul, Sr.	Foster, Linda	Gage, Ruth
Gagnon, Eugene	Ginsburg, Ruth	Holley, Sylvia	Jean, Loren
Johnson, Lionel	Konys, Christine	L'Heureux, Robert	Leishman, Peter
Leonard, Peter	Luebkert, Bernard	Martin, Mary	McCarthy, William
McDonald, James, Sr.	McRae, Karen	Melcher, Harold	Milligan, Robert
Murch, George	Murphy, Robert	Reidy, Frank	Turgeon, Roland

Vaillancourt, Steve	Welch, Donald	White, Donald	White, Jay
MERRIMACK			
Burney, Carol	Daneault, Gabriel	DeStefano, Stephen	Dunn, Miriam
Fraser, Marilyn	French, Barbara	Gile, Mary	Krueger, Patricia
Langer, Ray	Lavoie, Gerard	Moore, Carol	Owen, Derek
Rogers, Katherine	Seldin, Gloria	St. Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cushing, Robert	Dalrymple, Janeen
Dunham, Vivian	Flanders, David	Frechette, Joseph	Griffin, Mary
Kane, Cecelia	Kelley, Jane	Langley, Jane	Micklon, Stephanie
Mikowski, Walter	Morris, Debbie	Packard, Sherman	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Syracusa, Anthony			
STRAFFORD			
Bickford, David	Brennan, William	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Hemon, Roland	Keans, Sandra	McCann, William, Jr.
Merrill, Amanda	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Sullivan, Henry
Twardus, Joseph	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Leone, Richard
Palmer, Lorraine	Robb-Theroux, Amy	Wiggins, Celestine	
NAYS 169			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Calvert, Alice
Clark, Charles	Holbrook, Robert	Hurt, George	Lawton, David
Pilliod, James	Rice, Thomas, Jr.		
CARROLL			

Babson, David, Jr.	Bradley, Jeb	Cooper, Kipp	Dickinson, Howard, Jr.
Howard, Godfrey	Kenney, Joseph	Lyman, L. Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Hunt, John	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Royce, H. Charles	Smith, Edwin
Steere, Myron, III			
COOS			
Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr.			
GRAFTON			
Alger, John	Eaton, Stephanie	Guaraldi, Lawrence	Ham, Bonnie
Hill, Richard	Phinney, William	Teschner, Douglass	Williams, William, Jr.
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr.	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr.	Carlson, Donald
Clay, Susan	D'Allesandro, Lou	Dawe, Eileen	Durham, Susan
Dyer, Merton	Emerton, Lawrence, Sr.	Fenton, James	Fields, Dennis
Flora, Kathleen	Golding, William	Goulet, Maurice	Haettenschwiller, Alphonse
Hart, Nick	Herman, Keith	Holt, David	Hunter, Bruce
Jean, Claudette	Kurk, Neal	LaRose, Richard	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	MacIntyre, Doris
McCarty, Winston	McGough, Tim	Mercer, Robert	Messier, Irene
Mittelman, David	O'Hearn, Jane	Peterson, Andrew	Riley, Frances
Rowe, Robert	Sargent, Maxwell	Searles, Stanley, Sr.	Thulander, O. Alan
Wheeler, Robert	Wright, George		
MERRIMACK			
Anderson, Eric	Chandler, Earle	Crosby, Toni	Crowell, Peter

Feuerstein, Martin	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Lamach, Bernard	Larrabee, David	Leber, William
Lockwood, Robert	Marshall, Kenneth	Maxfield, Roy	Morrill, Olive
Reardon, Tara	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Camm, Kevin
Case, Margaret	Christie, Andrew, Jr.	Clark, Martha	Cooney, Richard
Dearborn, Bruce	Dodge, Robert	Dolan, Richard	Dowd, Sandra
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Francoeur, Sheila
Gleason, John	Guthrie, Joseph	Heath, John	Henderson, Warren
Hutchinson, Rebecca	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Malcolm, Kenneth	McKinney, Betsy	Moore, Benjamin	Norelli, Terie
Nowe, Ronald	Noyes, Richard	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stone, Joseph	Stritch, C. Donald
Tufts, J. Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth		
STRAFFORD			
Brown, Julie	Callaghan, Frank	Cossette, Larry	Lundborn, Raymond
McKinley, Robert	Musler, George	Spear, Barbara	Torr, Ann
Torr, Franklin	Tsiros, William		
SULLIVAN			
Adler, Rudolf	Allison, David	Burling, Peter	Kibbey, David
Lindblade, Eric			

and reconsideration failed.

Rep. Ann Torr had declared a conflict of interest and inadvertently voted on the motion to reconsider.

reconsideration

Having voted with the prevailing side, Rep. Avery moved that the House reconsider its action where by it ordered to third reading, *HB 1397-FN-A-L*, reestablishing the

investment tax credit against the business profits tax under the community development finance authority and spoke against.

Reconsideration failed.

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 Thursday, March 19, 1998 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1397-FN-A-L, reestablishing the investment tax credit against the business profits tax under the community development finance authority.

HB 1189-FN, increasing the limits of direct off-premises sales from breweries and brew pubs.

HB 1252, relative to the right to farm.

HB 1435-L, relative to board of tax and land appeals jurisdiction over town line disputes, relative to time limits for abatement and appeal of a land use change tax, relative to the vote required for a legislative body of a municipality to accept a street, and relative to allowing municipalities to except islands from certain requirements concerning streets.

unanimous consent

Rep. Loren Jean moved that the remarks made by Rep. Donald White be printed in the Journal.

Adopted.

Rep. Donald White: Thank you, Madam Speaker. Before I begin, I want to tell this body of my observations today. I am impressed at the behavior of this body today and I am very please to have been a member today.

I was reminded this week about My Lai. The reminder was a combination of great pride co-mingled with the memory of what was the darkest moment in the country's military history. The score of non-combatants, villagers caught in an uncontrolled and murderous maelstrom of men gone wild. I cannot tell you why this happened. I know all those in their country's service could only look at their comrades and see no feasible answer. My own brother, a member of that proud group, that included the honorable Representative from New London, could only look at me and shake his head wordlessly. But, the hurt was

there. I have never understood, myself, the reasons for this atrocity and probably never will because I have never felt that depth of despair and complete loss of human instinct; but, I am comforted by what I remember. World War II's GI's sharing food and candy with children, showing them how to chew gum. In north Germany my friends still remember the kindness to the children and the injured and how they helped the population avoid starvation. These GI's fought a hated idea, but remembered who they were. In Korea I remember the dismay on the part of the troops who fed chocolate to the children only to see them become ill because the food was too rich for them. The men of the 1st Cavalry Division, heavily engaged in that savage action throughout the entire period found time to help rebuild a children's orphanage. In Iraq, I saw on television, a young sergeant pulling an Iraqi soldier, almost catatonic with fear from a trench and telling him, "It's all right, it's all right." These are the people I know, these are the people I knew. They will fight hard for an ideal but face the vanquished with a rough kindness. This is why I commend to you the men who because they knew what is right risked their lives and the killing even if they must fire at their own people. Hugh C. Thompson, Jr., Lawrence Colburn and Glenn Andreotta saw the My Lai massacre and knew what they must do and by their actions saved the lives of people who were strangers to them by protecting them from our soldiers. On Memorial Day we will remember those who served and didn't return. Three men at My Lai give grace to all the monuments in memory to all those who have fallen and to all of those who have served. We may, again, enter the cauldron of war, and we may, once again, face those shattered by defeat and gripped by fear. If this is the case, our forces have no better example of behavior than that set by three brave men and My Lai. Thank you.

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 4:30 p.m.

RECESS