

HOUSE RECORD

First Year of the 161st General Court Calendar and Journal of the 2009 Session

Vol. 31

Concord, N.H.

Wednesday, October 28, 2009

No. 61

HOUSE JOURNAL No. 21

Wednesday, October 28, 2009

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by guest Chaplain, the Reverend Canon Charles LaFond, Canon for Congregational Life of the Episcopal Diocese of New Hampshire and Chaplain of the New Hampshire Senate.

Blessed are You, God of creation, for You water the earth and bring forth the fruits of the soil for our nourishment. Help us to remember that we are fed not only with the produce of our gardens but also with the produce of our relationships. Remind us of the warmth which comes not only from our wood stoves but from our colleagues. Challenge us to be aware that we are formed not only by our faith but by those who disagree with us and speak that disagreement in love, with few words. And when we would be tempted to use our words to crush our opponents, help us to remember that it is our deep insecurities and pain and grief which fuel the fires of our righteous indignation. May our eyes shine on each other like candles in the windows of a farmhouse on a stormy evening; and may our words be kind and true and spoken only if they improve on the silence. Amen.

Representative Thomas Donovan, member from Claremont, led the Pledge of Allegiance.

The National Anthem was sung by the Cawley Middle School Choir from Hooksett under the direction of Genevieve Kurtzman.

LEAVES OF ABSENCE

Reps. Arsenault, Gandia, Gidge, Harris, Henson, Hopper, Sally Kelly, Lewis, Pantelakos and Sedensky, the day, illness.

Reps. Abbott, Benn, Case, Dumaine, Hubbard, Karen Hutchinson, Hutz, Phyllis Katsakiores, Marshall, McGuire, Patricia McMahon, Andrew Peterson, Don Petterson, Porter, Michael Rollo, Rosenwald, Joseph Russell, Schuett, Marjorie Smith, Stuart, Ward and Wheeler, the day, important business.

INTRODUCTION OF GUESTS

Renee Alicea, Rosa Rivera, Kathy Tilton, Corene Christian, Gary Dempsey, Candy Murphy, Amy Iqbal and Dan Vanavery, parents of the choir members, guests of the House. Joanne Nunes and Wilma Gomes, sister-in-law and cousin of Rep. DiFruscia. Paul Berch, guest of Reps. Eaton, Sad and Lucy Weber. Christine Ordzie, guest of Reps. Beck and Chase. Ann Sirois, Valerie Deneault and Pam Fariz, guests of Rep. Caron. Betty Gaudett and Charlie Furman, niece and brother of Rep. Rogers. Nephi Tyler, guest of Rep. Owen.

Elizabeth Cushing, a senior from Winnacunnet High School in Hampton, daughter of Rep. Cushing, Shannon Page, junior and Christine Page, senior from Exeter High School and Kathryn Rockefeller, a senior at Portsmouth High School, Pages for the day.

INTRODUCTION OF SPECIAL GUEST

The Speaker welcomed Neil Le Blanc, the Canadian Consul General to New England, guest of the House.

COMMUNICATION

October 9, 2009

Dear Madam Speaker,

It is with great sadness that I must resign my position in the New Hampshire General Court as the representative from Rockingham's 8th District effective immediately. My employment situation has changed significantly over the past several weeks and I am no longer afforded the opportunity to serve my constituents to the fullest of my ability. I wish to thank you for your leadership of the general court and Representative Packard for his leadership of the House GOP caucus.

Thank you for your assistance,
Don Van Patten
NH State Representative
Science, Technology and Energy Committee
Rockingham District 8

The resignation was accepted.

COMMUNICATION

October 12, 2009

Honorable Terie Norelli
NH Speaker of the House
State House
Concord, N. H.

Dear Speaker Norelli,

Due to health considerations, it is with regret that I write to you to resign my position as a State Representative elected to represent Newport, Sullivan District 2.

I have enjoyed serving the people of Newport and the State of New Hampshire. I wish you and the entire House of Representatives well as you continue to address the many complex issues facing our state.

Thank you for your leadership and your well wishes during my absence.

Sincerely,
Anthony Maiola

The resignation was accepted.

GOVERNOR'S VETO MESSAGE ON HB 443

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 16, 2009, I vetoed HB 443, an act relative to underground storage facility operator training and relative to requirements for guaranteed price plans and prepaid contracts for petroleum.

I appreciate the general court's well-intentioned effort to strengthen protections for consumers of heating oil in this bill. I am concerned, however, that this bill may contain unintended consequences for consumers that will impact their ability to negotiate the best price possible for heating oil. Under current law, a prepaid or capped-price contract for heating oil cannot exceed a term of one heating oil season, and these contracts can be offered no earlier than January of the year in which the heating oil season begins. This bill would allow prepaid or capped-price contracts to be offered no earlier than May of the year in which the heating oil season begins. The proposed legislation would give consumers four months less time each year in which to enter into prepaid or capped-price contracts.

This proposed legislation was introduced in an effort to protect consumers who, on some occasions in the past, have paid monies in advance for home heating oil, and then did not receive the heating oil because the oil dealer went out of business before the next heating oil season. Nevertheless, I am not convinced that this bill is the proper solution to address the problem. I also question whether we should limit the pre-buy period between January and May. Many residential and business consumers of heating oil have indicated that, by shortening the window to offer these contracts, the proposed legislation will materially impact their ability to obtain the best price possible for heating oil. I believe this issue warrants further consideration by the general court. For this reason, I am vetoing HB 443. I fully support establishing requirements for training operators of underground petroleum storage facilities as set forth in the first two sections of this bill.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 443**, relative to underground storage facility operator training and relative to requirements for guaranteed price plans and prepaid contracts for petroleum, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 33 NAYS 314

YEAS 33

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Allen, Peter
Robertson, Timothy

Burridge, Delmar
Weed, Charles

Butcher, Suzanne

Lindsey, Steven

COOS

Mears, Lucy Thomas, Yvonne

GRAFTON

Mulholland, Catherine Townsend, Charles

HILLSBOROUGH

Chase, Claudia	Craig, James	Garrity, Patrick	Hammond, Jill
Hebert, Roger	Katsiantonis, Thomas	Messier, Irene	Shattuck, Gilman
Sullivan, Daniel	Williams, Carol		

MERRIMACK

Bartlett, Michael	Hess, David	Lockwood, Priscilla	Owen, Derek
Stetson, William			

ROCKINGHAM

Dowling, Patricia	Kappler, L. Mike	Read, Robin Jr
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STRAFFORD

Brown, Jennifer	Cyr, James	Ryder, Mark	Ward, Kenneth
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SULLIVAN

None

NAYS 314

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Johnson, William	Merry, Liz	Miller, Kate	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Veazey, John	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Patten, Betsey	Scala, Dino	Stevens, Stanley	Umberger, Karen
Wiley, Susan			

CHESHIRE

Butterworth, Timothy	Butynski, William	Carlson, Nancy	Carr, Daniel
Eaton, Daniel	Emerson, Susan	Hunt, John	Johnson, Jane
Laurent, John	Lerandeau, Alfred	Meador, David	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy		

COOS

Hatch, William	Merrick, Evalyn	Merrick, Scott	Rappaport, Laurence
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Bulis, Lyle	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr	Laliberte, Suzanne
Matheson, Robert	Maybeck, Margie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Preston, Philip	Smith, Suzanne	Taylor, Kathleen
White, Andrew	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Belvin, William	Bergin, Peter	Boehm, Ralph
Boisvert, Ronald	Campbell, David	Caron, June	Cebrowski, John
Chandley, Shannon	Chininis, Alexis	Christensen, Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Daniels, Gary	Day, Russell
Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Farley, Michael	Flurey, Joan	Foster, Linda	Gagne, Larry
Gargasz, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Haefner, Robert	Haley, Robert
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hodges, Kevin
Hogan, Edith	Holden, Frank	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jeudy, Jean	Kelley, John	Knowles, John
Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert	LaPlante, Roland
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	McCarthy, Michael	Mead, Robert
Moran, Edward	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice
Pratt, Calvin	Price, Pamela	Renzullo, Andrew	Rhodes, Brian
Rowe, Robert	Ryder, Donald	Schulze, Joan	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Soucy, Timothy
Spaulding, Jayne	Tahir, Saghir	Thompson, Robert	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Walsh, Robert Jr	Willette, Robert
Winters, Joel			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Boutin, David	Brown, Carole
Clarke, Claire	Coffey, Jennifer	Davis, Frank	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Kotowski, Frank	Osborne, Jessie
Palfrey, David	Potter, Frances	Reed, Dennis	Rice, Chip
Richardson, Gary	Rodd, Beth	Shurtleff, Stephen	Smith, Todd
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Watrous, Rick	Webb, Leigh	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Borden, David
Bridle, Russell	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Comerford, Timothy	Crisler, Margaret	Cushing, Robert
Day, Judith	DeSimone, Debra	Devine, James	DiFruscia, Anthony
DiPentima, Rich	Elliott, Robert	Emiro, Frank	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garcia, Marilinda	Garrity, James

Gould, Kenneth	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Howard, Doreen	Hutchinson, Gina	Ingram, Russell
Introne, Robert	Itse, Daniel	Kepner, Susan	Kolodziej, Walter
Lyons, Melissa	Major, Norman	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nevins, Chris	Nord, Susi	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Preston, Mark	Priestley, Anne	Quandt, Matt
Rausch, James	Reagan, John	Russell, Trink	Sanders, Elisabeth
Sapareto, Frank	Scamman, Stella	Scamman, W.	Schlachman, Donna
		Douglas Jr	
Smith, William	Splaine, James	Stiles, Nancy	Sullivan, James
Tucker, Pamela	Weare, Everett	Webber, Carolyn	Welch, David
Wells, Roger			

STRAFFORD

Berube, Roger	Brennan, William	Brown, Julie	Brown, Larry
Burke, Rachel	Domingo, Baldwin	Grassie, Anne	Groen, Warren
Hofemann, Roland	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Perry, Robert	Price, Susan	Rogers, Rose Marie
Rollo, Deanna	Rous, Emma	Schmidt, Peter	Spang, Judith
Twombly, James	Vachon, Dennis	Vita, Carol	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Houde-Quimby,	Howard, Thomas	McClammer, Jim	Osgood, Joe
Charlotte			
Rodeschin, Beverly	Skinder, Carla	Sweeney, Cynthia	

and the veto was sustained.

GOVERNOR'S VETO MESSAGE ON HB 648-FN

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 10, 2009, I vetoed House Bill 648-FN, an act relative to the use of marijuana for medicinal purposes. I have tremendous compassion for people who believe medical marijuana will help alleviate the symptoms of serious illnesses and the side effects of medical treatment. Although opinion of the medical community on the efficacy of medical marijuana remains mixed, I have been open, and remain open, to allowing tightly controlled usage of marijuana for appropriate medical purposes. But in making laws it is not enough to have an idea worthy of consideration, the details of the legislation must also be right. I recognize that the sponsors of this legislation, and the members of the conference committee, worked hard to attempt to address the concerns raised about this legislation. However, after consulting with representatives of the appropriate state agencies and law enforcement officials, I believe this legislation still has too many defects to move forward. Law enforcement officials have raised legitimate public safety concerns regarding the cultivation and distribution of marijuana. These concerns have not been adequately addressed in this bill. Marijuana is an addictive drug that has the potential to pose significant health dangers to its users, and it remains the most widely abused illegal drug in this State. I am concerned about the quantities of the drug made available to patients and caregivers under this bill, particularly because there are different types of marijuana and the potency of marijuana can vary greatly depending on how it is cultivated. I am troubled by the potential for unauthorized redistribution of marijuana from compassion centers. In addition to patients and designated caregivers, an unlimited number of "volunteers" can receive registry cards and receive the full protections afforded under this legislation to authorized cardholders.

The provisions made for law enforcement to check on the status of an individual who asserts protection under the proposed law are too narrow. There are also many inconsistencies and structural problems in the legislation that would greatly complicate its administration and would pose barriers to controls aimed at preventing the unauthorized use of marijuana. The bill does not clearly restrict the use of marijuana to those persons who are suffering severe pain, seizures or nausea as a result of a qualifying medical condition. The bill requires compassion centers to hold a license to cultivate and distribute marijuana for medicinal purposes, but the bill does not contain clear provisions regarding a licensing process or standards. Compassion centers can be penalized for distributing amounts of marijuana that exceed permissible limitations, without the compassion centers having the means to know how much marijuana the patient already possesses. Caregivers in some instances are required to control the dosage of marijuana without any real means to accomplish this task. The bill leaves unclear the authority of a landlord to control the use of marijuana on rented property and in common areas of property. While the bill contemplates self-funding, there have been inadequate fiscal studies. The Department of Health and Human Services' administrative responsibilities are of such a magnitude under this legislation that the fees potentially would be so great as to deny access to anyone but the wealthiest of our citizens, resulting in potential inequities. I understand and empathize with the advocates for allowing medical marijuana use in New Hampshire. However, the fact remains that marijuana use for any purpose remains illegal under federal law. Therefore, if we are to allow its use in New Hampshire for medical purposes, we must ensure that we are implementing the right policy. We cannot set a lower bar for medical marijuana than we do for other controlled substances, and we cannot implement a law that still has serious flaws. Therefore, I am regretfully vetoing HB 648-FN.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 648-FN**, relative to the use of marijuana for medicinal purposes, become law?

Rep. Robert Elliott spoke against.

Reps. Philip Harvey and Jasper spoke against and yielded to questions.

Reps. Shurtleff, Coffey, Evalyn Merrick, DiFruscia and Vaillancourt spoke in favor.

Rep. Hikel spoke in favor and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 240 NAYS 115

YEAS 240

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate
St. Cyr, Jeffrey

CARROLL

Bridgham, Robert
Umberger, Karen

Buco, Thomas
Wiley, Susan

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Carlson, Nancy

Burrige, Delmar
Carr, Daniel

Butcher, Suzanne
Eaton, Daniel

Butterworth, Timothy
Lerandeau, Alfred

Lindsey, Steven
Richardson, Barbara
Sterling, Franklin Jr

Meador, David
Roberts, Kris
Weber, Lucy

Mitchell, Bonnie
Robertson, Timothy
Weed, Charles

Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Friedrich, Carol
Ingbretson, Paul
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Gionet, Edmond
Matheson, Robert
Pierce, David
Townsend, Charles

Cooney, Mary
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Ford, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Craig, James
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Hikel, John
Holden, Rip
Katsiantonis, Thomas
Komi, Richard
Levasseur, Nickolas
Mack, Ron
O'Brien, William
Pilotte, Maurice
Rhodes, Brian
Shattuck, Gilman
Soucy, Timothy
Vaillancourt, Steve

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Dokmo, Cynthia
Gargas, Carolyn
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Infantine, William
Kelley, John
Kurk, Neal
Levesque, Melanie
Messier, Irene
O'Neil, James
Pratt, Calvin
Rokas, Theodoros
Shaw, Barbara
Spaulding, Jayne
Walsh, Robert Jr

Beaulieu, Jane
Campbell, David
Clemons, Jane
Farley, Michael
Garritty, Patrick
Hackel, Paul
Harvey, Suzanne
Hogan, Edith
Irwin, Anne-Marie
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Nixon, David
Ober, Lynne
Ramsey, Peter
Ryder, Donald
Shaw, Kimberly
Sullivan, Daniel
Williams, Carol

Beck, Catriona
Caron, June
Cote, David
Flurey, Joan
Ginsburg, Ruth
Haley, Robert
Hebert, Roger
Holden, Frank
Jeudy, Jean
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
O'Brien, Michael Sr
Ober, Russell III
Renzullo, Andrew
Schulze, Joan
Soucy, Connie
Thompson, Robert
Winters, Joel

MERRIMACK

Bouchard, Candace
Davis, Frank
Gile, Mary
Osborne, Jessie
Richardson, Gary
Tilton, Joy
Watrous, Rick

Brown, Carole
DeJoie, John
Hamm, Christine
Owen, Derek
Rodd, Beth
Tupper, Frank
Williams, Robert

Clarke, Claire
Foose, Robert
Kidder, David
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Coffey, Jennifer
French, Barbara
Lockwood, Priscilla
Rice, Chip
Stetson, William
Walz, Mary Beth

ROCKINGHAM

Bailey, Clinton
Brown, C. Pennington
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Hutchinson, Gina
Lyons, Melissa

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Crisler, Margaret
DiPentima, Rich
Fesh, Robert
Ingram, Russell
Mann, Maureen

Borden, David
Casey, Kimberley
Cushing, Robert
Dowling, Patricia
Gleason, John
Itse, Daniel
McCarthy, Barbara

Bridle, Russell
Charron, Gene
Day, Judith
Emiro, Frank
Gould, Kenneth
Kepner, Susan
McEachern, Paul

McKinney, Betsy
Read, Robin Jr
Schlachman, Donna
Welch, David

Moody, Marcia
Reagan, John
Splaine, James
Wells, Roger

Nord, Susi
Russell, Trink
Tucker, Pamela

Perkins, Lawrence
Sapareto, Frank
Webber, Carolyn

STRAFFORD

Bickford, David
Brown, Larry
Grassie, Anne
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brennan, William
Burke, Rachel
Hofemann, Roland
Lauterborn, Elaine
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Brown, Jennifer
Cyr, James
Horrigan, Timothy
Perry, Robert
Rous, Emma
Sprague, Dale
Watters, David

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Price, Susan
Ryder, Mark
Vachon, Dennis

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte
Sweeney, Cynthia

Donovan, Thomas Jr
Howard, Thomas
Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 115

BELKNAP

Boyce, Laurie
Russell, David

Fields, Dennis
Veazey, John

Flanders, Donald
Wendelboe, Fran

Neddeau, Stephen

CARROLL

Ahlgren, Christopher
Patten, Betsey

Chandler, Gene
Scala, Dino

Fleck, Joseph
Stevens, Stanley

McConkey, Mark

CHESHIRE

Butynski, William
Laurent, John

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Ladd, Rick Jr

Laliberte, Suzanne

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Graham, John
Hinch, Richard
L'Heureux, Robert
Movsesian, Lori
Price, Pamela
Tahir, Saghir

Belvin, William
Christiansen, Lars
Drisko, Richard
Haefner, Robert
Hinkle, Peyton
McCarthy, Michael
Palmer, Stephen
Rowe, Robert
Ulery, Jordan

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Harvey, Philip
Jasper, Shawn
Mead, Robert
Pellegrino, Tony
Seidel, Carl
Villeneuve, Moe

Cebrowski, John
Day, Russell
Gagne, Larry
Hawkins, Ken
Kopka, Angeline
Moran, Edward
Pepino, Leo
Silva, Peter
Willette, Robert

MERRIMACK

Anderson, Eric	Bartlett, Michael	Boutin, David	DeStefano, Stephen
Hess, David	Kotowski, Frank	Palfrey, David	Reed, Dennis
Smith, Todd	Webb, Leigh		

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	DeSimone, Debra	Devine, James	Elliott, Robert
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Introne, Robert	Kappler, L. Mike	Kolodziej, Walter	Major, Norman
McMahon, Charles	Nevins, Chris	Packard, Sherman	Perkins, Amy
Preston, Mark	Priestley, Anne	Quandt, Matt	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Scamman, W. Douglas Jr	Smith, William
Stiles, Nancy	Sullivan, James	Weare, Everett	

STRAFFORD

Berube, Roger	Groen, Warren	Twombly, James	Vita, Carol
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SULLIVAN

Osgood, Joe Rodeschin, Beverly
and the veto was overridden.

GOVERNOR'S VETO MESSAGE ON HB 655-FN

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 31, 2009, I vetoed House Bill 655, an act extending senior active status to judges over 70 years of age.

Part II, Article 78 of the Constitution of New Hampshire states that "[n]o person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years." The supreme court has ruled that this constitutional provision does not prohibit a retired judge over the age of 70 from exercising power as a judicial officer on a temporary basis. The supreme court has reasoned that the general court holds the constitutional authority to authorize limited temporary assignment of retired justices over the age of 70 to ensure the adequate and orderly administration of justice. In adherence to this constitutional provision, the general court has granted very limited authority for retired supreme court or superior court justices over the age of 70 to sit on specific appellate cases at the supreme court, only when an active supreme court justice is disqualified or unable to sit in any cause or matter pending before the court. In addition, retired judges under the age of 70 presently may elect to be designated on senior active status within their respective courts. Retired judges over the age of 70 may not be designated to serve on senior active status. This bill would allow retired justices of the supreme, superior, district or probate court who are over the age of 70 to elect senior active status and assume all of the powers of a justice in regular active service, including the power to render judgments and preside over jury trials. The retired justices over age 70 would be appointed to "limited temporary assignments." The permissible scope and duration of "limited temporary assignments" is not defined or addressed in the proposed legislation. Our Constitution clearly states that no person shall hold the office of judge of any court after the age of 70. The supreme court has held that the temporary assignment of retired judges is permissible. This bill would substantially expand the circumstances and potential timeframes during which judges over the age of 70 could serve on the bench. The

Constitution of New Hampshire sets forth an appointment process for new judicial officers through nomination by the governor and confirmation by the executive council. This bill grants the chief justice and administrative justices with discretion to appoint or reappoint some judges over age 70 on senior active status based on an annual assessment. The appointment process for new judicial officers as set forth in our Constitution weighs against the adoption of a significantly expanded senior active status for judges over age 70. Any further expansion of the role of judicial officers over the age of 70 should be drawn in a very narrow way, or addressed through an amendment to our Constitution.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 655-FN**, extending senior active status to judges over 70 years of age, become law?

Rep. Rowe spoke against.

Rep. Lucy Weber spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 126 NAYS 225

YEAS 126

BELKNAP

Johnson, William

Merry, Liz

Miller, Kate

Reever, Judith

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Butynski, William

Carlson, Nancy

Eaton, Daniel

Lerandeau, Alfred

Lindsey, Steven

Meador, David

Mitchell, Bonnie

Richardson, Barbara

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James

Almy, Susan

Cooney, Mary

Ford, Susan

Friedrich, Carol

Gould, Franklin

Harding, Laurie

Laliberte, Suzanne

Mulholland, Catherine

Nordgren, Sharon

Preston, Philip

Townsend, Charles

White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Beck, Catriona

Campbell, David

Caron, June

Chase, Claudia

Cote, David

Craig, James

Flurey, Joan

Foster, Linda

Hackel, Paul

Hammond, Jill

Hardy, Valerie

Harvey, Suzanne

Hebert, Roger

Hodges, Kevin

Jeady, Jean

Kelley, John

Komi, Richard

Leishman, Peter

Levasseur, Nickolas

Levesque, Melanie

Lisle, Carolyn

Mack, Ron

Rhodes, Brian

Rokas, Theodoros

Shattuck, Gilman

Shaw, Kimberly

Soucy, Timothy

Sullivan, Daniel

Thompson, Robert

Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Foose, Robert
Osborne, Jessie
Rodd, Beth
Walz, Mary Beth

Bouchard, Candace
French, Barbara
Owen, Derek
Shurtleff, Stephen
Watrous, Rick

Brown, Carole
Gile, Mary
Potter, Frances
Tilton, Joy
Williams, Robert

Clarke, Claire
Hamm, Christine
Rice, Chip
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Brown, C. Pennington
Katsakiores, George
McEachern, Paul
Wells, Roger

Casey, Kimberley
Kepner, Susan
Moody, Marcia

Day, Judith
Mann, Maureen
Nord, Susi

DiPentima, Rich
McCarthy, Barbara
Schlachman, Donna

STRAFFORD

Brown, Jennifer
Cyr, James
Lauterborn, Elaine
Rollo, Deanna
Ward, Kenneth

Brown, Julie
Domingo, Baldwin
Perry, Robert
Rous, Emma
Watters, David

Brown, Larry
Kaen, Naida
Price, Susan
Ryder, Mark

Burke, Rachel
Keans, Sandra
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Donovan, Thomas Jr

Skinder, Carla

Gottling, Suzanne

Houde-Quimby,
Charlotte

McClammer, Jim

NAYS 225

BELKNAP

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Fields, Dennis
Pilliod, James
Veazey, John

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J. David
Stevens, Stanley

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

CHESHIRE

Carr, Daniel
Laurent, John

Emerson, Susan
Parkhurst, Henry

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

COOS

Hatch, William
Remick, William

Mears, Lucy
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Rappaport, Laurence

GRAFTON

Bulis, Lyle
Matheson, Robert
Smith, Suzanne

Gionet, Edmond
Maybeck, Margie
Taylor, Kathleen

Ingbretson, Paul
Pastor, Beatriz
Williams, Burton

Ladd, Rick Jr
Pierce, David

HILLSBOROUGH

Batula, Peter	Beauchamp, Roger	Belvin, William	Bergin, Peter
Boehm, Ralph	Boisvert, Ronald	Cebrowski, John	Chandley, Shannon
Chininis, Alexis	Christensen, Chris	Christiansen, Lars	Clemons, Jane
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Farley, Michael	Gagne, Larry
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Haefner, Robert	Harvey, Philip	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Katsiantonis, Thomas	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	LaPlante, Roland
Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert	Messier, Irene
Moran, Edward	Movsesian, Lori	Nixon, David	O'Brien, William
O'Neil, James	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice	Pratt, Calvin
Price, Pamela	Ramsey, Peter	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Schulze, Joan	Seidel, Carl	Shaw, Barbara
Silva, Peter	Soucy, Connie	Spaulding, Jayne	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert
Williams, Carol	Winters, Joel		

MERRIMACK

Anderson, Eric	Boutin, David	Coffey, Jennifer	Davis, Frank
DeJoie, John	DeStefano, Stephen	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	Palfrey, David	Reed, Dennis
Richardson, Gary	Smith, Todd	Stetson, William	Tupper, Frank
Webb, Leigh			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Borden, David
Bridle, Russell	Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy
Crisler, Margaret	Cushing, Robert	DeSimone, Debra	Devine, James
DiFruscia, Anthony	Dowling, Patricia	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Hutchinson, Gina	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Kolodziej, Walter	Lyons, Melissa	Major, Norman
McKinney, Betsy	McMahon, Charles	Nevins, Chris	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Priestley, Anne	Quandt, Matt
Rausch, James	Read, Robin Jr	Reagan, John	Russell, Trinkia
Sanders, Elisabeth	Sapareto, Frank	Scamman, Stella	Scamman, W.
			Douglas Jr
Smith, William	Splaine, James	Stiles, Nancy	Sullivan, James
Tucker, Pamela	Weare, Everett	Webber, Carolyn	Welch, David

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Grassie, Anne
Groen, Warren	Hofemann, Roland	Horriggan, Timothy	Schmidt, Peter
Sprague, Dale	Twombly, James	Vachon, Dennis	Vita, Carol

Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly
and the veto was sustained.

Gagnon, Raymond

Howard, Thomas

Osgood, Joe

UNANIMOUS CONSENT

Reps. Ramsey, Itse and Cloutier addressed the House.

MOTION TO PRINT REMARKS

Rep. Graham moved that the remarks made by Rep. Ramsey be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

REMARKS

Rep. Ramsey: Thank you very much, Madam Speaker. I have very sad news today ladies and gentlemen and fellow members. Marine Captain Kyle Van De Giesen, a 2002 graduate of St. Anselm College was killed while serving his country. He was serving in Afghanistan and he was only 29 years old. He was a son of St. Anselm College. He was young and sacrificed his life for his country and we are all profoundly sorrowful. He was an outstanding young man. He was from North Attleboro, Massachusetts and decided to attend St. Anselm College to play football. He was the starting quarterback at St. Anselm in 1999 when football came back to the college after a 59 year break. He started his first game, number 12, against UMass, Lowell and threw for 308 yards passing, 319 yards all together. He was the star of the game and he was the star of that season, a captain as a freshman. After the season ended he made a decision to pursue his academic career. He resigned from the football team after one varsity season to focus on his studies. He majored in criminal justice in his goal of becoming a Marine Corps pilot. He was born to be a Marine. He was focused on his pursuit of his dream and he worked hard. In three years he graduated early and finally did become a Marine and a pilot. He was stationed at Camp Pendleton near San Diego and was married to Meagan. They had a young daughter and a son on the way. God bless him, his wife and children, his parents and those who knew him. God bless the United States of America and the men and women serving for our country. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Marine Captain Kyle Van De Giesen.

MOTION TO PRINT REMARKS

Rep. Ingbretson moved that the remarks made by Rep. Itse be printed in the Permanent Journal.

On a division vote, 116 members having voted in the affirmative and 200 in the negative, the motion failed.

MOTION TO PRINT REMARKS

Rep. Chandler moved that the remarks made by Rep. Cloutier be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Cloutier: Thank you, Madam Speaker. Members of the House, I rise today to speak a few words in memory of a former colleague of ours. Former Representative Richard “Dick” Ahern recently passed away in Concord at age 96. Though he died in Concord, Dick served as a Representative from Hillsborough County District 38, Manchester’s Ward 2. A district that frankly was, in my opinion, sort of a swing district so Dick served several terms here in the House, but they were nonconsecutive. I happen to meet Dick my first term when I was elected in 1992 to this House and we happened to sit together in section 2 and I also had the privilege of serving with Dick on the House Public Works and Highways Committee. A retired US Treasury employee, Dick was a fascinating guy to listen to. He lived not only in Concord and Manchester, but he also lived in Claremont during the 1940’s in a neighborhood that I grew up in. I was very fascinated with him and the stories he told about our colleagues, past and present. I will be frank with you. One of the things that I was most impressed about was that he was the grandson of Representative William Ahern for whom Ahern Park in the Lakes Region is named and who was also a Speaker in the 1920’s. In fact, he was the last Democratic Speaker until you, Madam Speaker, were elected in 2006. Dick Ahern, I thought that’s probably the closest I’d ever get to a Democratic Speaker during my career here. Times change and I do want to say on a less partisan note, although Dick was a loyal Democrat, on an issue that was of strict importance, he always stood with his party but nonetheless he made a lot of friendships on the other side of the aisle and he worked closely together with our Republican colleagues on Public Works and Highways. In fact, one of his closest friends was former Representative Winston McCarty who was also from Manchester and served on the same committee. Their relationship taught me a lot about how you could interact with a colleague even though you may have disagreed with him from time to time. He was a quiet guy. You might even have missed him because I never remember when I served here, him getting up to speak at this well like I am doing today. Nevertheless, he served as a great role model for me. I want to conclude this tribute of mine to a great colleague, who served as a wonderful role model for me, Representative Richard “Dick” Ahern. May he rest in peace. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative, the Honorable Richard F. Ahern of Manchester.

SENATE MESSAGE

The Senate has voted to sustain the Governor’s veto on the following bills:

SB 88, relative to recommendations of marital masters.

HB 648-FN, relative to the use of marijuana for medicinal purposes.

SENATE MESSAGE

The Senate has elected as its officer, Carleton K. Marshall, Assistant Clerk.

ADJOURNMENT

Rep. Wallner moved that the House adjourn.

Adopted.

The 1st year Session of the 161st General Court of the New Hampshire House of Representatives stands adjourned.