

State of New Hampshire HOUSE RECORD

First Year of the 162nd General Court
Calendar and Journal of the 2011 Session

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Concord, N. H.

Wednesday, March 2, 2011

No. 25

HOUSE JOURNAL No. 8 (cont.)

Wednesday, February 23, 2011

Rep. Silva moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 2, 2011

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Dear Lord, alert us once again to our high calling to serve our constituents with goodness of heart and clear-sighted conviction of what is true. Increase our confidence in helping others to flourish, which is a sure sign of our intention that it is right. Travel with us through the breadth and depth of our deliberations as well as through the tangles that stifle our gladness. Remind us to go within Your gates so that You may knock on our spirit and enlighten us with Your serenity and wisdom. Yours are the years and Yours are the seasons. We pray You keep our fellow Americans in foreign lands safe from fear and violence. Guard those who serve in uniform. Show Your great love, this day, to Representative Adam Schroadter of Newmarket and his wife, Suzi, as they experience the death of their pre-born twin boys, Archer Joseph and Logan Christopher. Finally, grant us discerning hearts in our work here, that we may increase Your loving designs and serve with the satisfaction of knowing we have done the best. We pray this in Your Holy name always. Amen.

Representative Peter Silva, member from Nashua, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Gargas, Karen Hutchinson, Jane Johnson, Michael Reed, Jenna Roberts and Weeden, the day, illness.

Reps. Almy, Bradley, Buxton, Condra, Copeland, Daugherty, Day, Drisko, Eaton, Flanders, Hamm, Kolodziej, Leonard, Marcus, Palfrey, Pellegrino, Pelletier, Chip Rice, Seidel, Serlin, Shuler, Todd Smith and Kevin Sullivan, the day, important business.

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

INTRODUCTION OF GUESTS

The women's guild of St. Elizabeth Seton Parish in Bedford, guests of Rep. Cebrowski. Rita and Nicole Richardson, Hailey and Daniel Brisson, wife, daughter and grandchildren of Rep. Herb Richardson. Bill and Betty Trueheart, guests of Rep. Notter. Major Thomas Stroud, husband of Rep. Stroud. Carolyn Magri Halstead, Valerie, Adam and Jason Magri, Ellie, James and Sarah Halstead and Risa Yoda, guests of Reps. Daniels, Palmer and Willette.

MOTION TO SUSPEND HOUSE RULES

Reps. Bettencourt and Norelli moved that House Rules be so far suspended as to allow for late drafting and introduction of HB 1-A, HB 2 and HB 25-FN-A.
Adopted.

CONSENT CALENDAR

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

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime, removed by Rep. Giuda.

HB 448-FN, relative to spice incense products, removed by Rep. Vaillancourt.

HB 556, relative to citizen complaints against police officers, removed by Rep. Sapareto.

HB 160, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature, removed by Rep. Weber.

HB 350-FN, updating laws relative to the fiscal committee of the general court, removed by Rep. Weber.

Consent Calendar adopted.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marie N. Sapienza for Children and Family Law: This bill deals with voluntary consent in juvenile diversion law. The sponsor stated that existing statutory wording could be confusing and that courts had occasionally misinterpreted to the detriment of the juvenile. The wording of the amended bill is concise and the court system had no problem with the change. Vote 16-0.

Amendment (0354h)

Amend the bill by replacing sections 1-2 with the following:

1 Delinquent Children; Juvenile Diversion Program; Parental Consent. Amend RSA 169-B:10, III(c) to read as follows:

(c) The minor and the parents, guardian, or other custodian **give knowing, informed, and voluntary** consent ~~[with the knowledge that consent is not obligatory]~~.

2 Children in Need of Services; Diversion Program; Parental Consent. Amend RSA 169-D:9, III(c) to read as follows:

(c) The child and parent, guardian or other custodian ***give knowing, informed, and voluntary*** consent [~~with the knowledge that consent is not obligatory~~].

HB 488-FN, relative to criminal records checks for employment with child day care agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David S. Robbins for Children and Family Law: This bill was requested by the department of health and human services (DHHS). It provides for a more limited criminal records check when an employee or volunteer at a child daycare agency which has completed the full criminal records check within the last three years transfers to another child daycare agency. The DHHS states the bill may decrease state, county and local expenditures and state revenue by an undetermined amount in FY 2011, and each year thereafter. There will be no fiscal impact on county or local revenues. The department of safety states the bill will have no fiscal impact on them. Vote 10-0.

Amendment (0378h)

Amend RSA 170-E:7, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. If an individual who is or has been employed or volunteered at a child day care agency is offered employment or volunteers at another child day care agency, the individual shall not be required to submit a new set of fingerprints and undergo a new criminal records check through the Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has submitted fingerprints and undergone such a criminal records check under this section within 3 years of the individual's first day of employment or volunteer service at the new agency. Before entering employment or volunteering with the new agency, the individual shall undergo a New Hampshire state criminal records check through the department of safety.

AMENDED ANALYSIS

This bill provides for a more limited criminal records check when an employee or volunteer of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

This bill is a request of the department of health and human services.

HB 490-FN, adopting the interstate compact for juveniles. **OUGHT TO PASS.**

Rep. David S. Robbins for Children and Family Law: This bill adopts the most recent version of the interstate compact for juveniles based on the compact model developed by the council of state governments and the office of juvenile justice and delinquency prevention. This compact shall not interfere with the state's authority to determine policy regarding juvenile offenders and non-offenders within the state. Vote 16-0.

Referred to the Committee on Finance.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. **OUGHT TO PASS.**

Rep. Patricia T. Lovejoy for Children and Family Law: This bill streamlines the accounting process for the compensation of mediators and guardians ad litem in marital cases where the parties are indigent. The bill also repeals an obsolete provision regarding the regulation of guardians ad litem by the supreme court. Both issues addressed by this bill are "housekeeping issues." This bill was brought at the request of the supreme court. Vote 13-0.

HB 57, establishing a committee to study the penalties for menace, nuisance, or vicious dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The sponsor of this bill

asked for it to be ITL. He felt it would be in the best interest to work with dog owners of the state to bring forth a better bill next session. Vote 16-0.

HB 282-FN, relative to spitting or urinating in an emergency vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill was ITL'd because there were no provisions made for involuntary loss of bodily functions. What if the person was unconscious and not responsible for his or her actions? A better bill would have inserted the word "deliberately." This would have made this bill acceptable. Vote 15-0.

HB 304, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interest in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, even the co-sponsors voted to ITL. Vote 15-0.

HB 372, adding cigar blunt wraps to the definition of drug paraphernalia in the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: After consideration, the sponsor requested to ITL/withdraw HB 372. Vote 15-0.

HB 428-FN, relative to the procedures for detention and sanctions for default and breach of conditions of bail and recognizances. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: The committee realizes that this bill would be helpful to the Hillsborough County department of corrections, but passage of this bill would cause unintended consequences for other NH pre-trial supervision programs. This bill would give the jail superintendant the authority to revoke an individual's bail as part of the pre-trial supervision program. In several counties this program is a part of the county attorney's office, not the department of corrections. Furthermore, there is no provision in the bill for a court hearing to determine if there were grounds for the bail revocation. It would be best for the sponsor to work with the NH association of counties to come up with legislation that would be in the best interest of all ten counties. Vote 16-0.

HB 432, limiting traffic violation stops of women at night. **INEXPEDIENT TO LEGISLATE.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The committee believes this to be arbitrary to the spirit of equality in the law and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop. Vote 15-0.

HB 526-FN-L, requiring the registration of persons convicted of animal abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill, if passed, would be a drain on the financial and personal resources of the state and in particular the department of safety (DOS). This bill would require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies. There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any

person, in the state, or out of state. Vote 15-0.

HB 535, relative to the committee to study parole boards and parole board procedures. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee feels that the study that was started in 2010 should continue as there was not time enough to address all the issues. Vote 15-0.

HB 644-FN, relative to various state laws pertaining to unlawfully present aliens. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would have the NH State Police trained to enforce federal immigration laws. It allows the state police to gather and share information about known illegally present aliens. It further suggests that if the lawful immigration status of a person in the custody of the police cannot be determined the department of homeland security can do it within 48 hours. It further states that any applicant for public benefits must provide proof of citizenship, residency or lawful presence in order to receive benefits. Employers will have responsibility to classify their employees as lawful aliens. The last part of the bill violates habeas corpus stating that once incarcerated he or she cannot get out until the lawful presence is determined. During the public hearing only the sponsor spoke in favor of this bill. The committee agrees with all the rest of those who opposed this bill. Vote 13-0.

HB 105, relative to the required number of instructional days and instructional hours in a school district's calendar. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill is identical to HB 112 which passed the house on 2/9/11. Therefore, this bill is not necessary. Vote 15-0.

HB 467-FN, relative to the procedure for school districts to determine if a child in the juvenile court system is a child with a disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: The sponsor asked us to ITL since it is not needed. Judges currently have discretion in these matters. Vote 14-0.

HB 106, relative to filing for town offices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Election Law: This bill, as amended, would require anybody filing for a town office on the last day of the filing period to file with the town clerk in person. This would provide the town clerk an opportunity to verify that the candidate's name that appears on the form is the actual person. This adopts the same policy for local elections as we have for all other elections. Vote 17-0.

Amendment (0241h)

Amend the bill by replacing section 1 with the following:

1 Nominations; Nonpartisan Ballot System. Amend RSA 669:19 to read as follows:

669:19 Nominations; Nonpartisan Ballot System. In a town which has adopted the nonpartisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates. **All**

candidates who file on the last day of the filing period shall do so in person before the town clerk. ~~Such~~ **The** filing period shall begin on the seventh Wednesday and end on the Friday of the following week before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I,

_____, declare that I am domiciled in the town of _____, and that I am a registered voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official nonpartisan ballot of the town of _____.

AMENDED ANALYSIS

This bill requires that candidates for town offices who file on the last day of the filing period do so in person.

***HB 197-L*, relative to processing absentee ballots. INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 p.m. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots. Vote 17-1.

***HB 120*, extending the public health services improvement council. INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The intent of this bill, extending the public health council which has a primary goal to develop a public health improvement plan, does not require legislation. Recent legislative changes to the duties of the oversight committee on health and human services provides authority to the oversight committee to "create subcommittees, councils, task forces, or other ancillary bodies as necessary to implement its responsibilities." The work of the public health council clearly comes under the purview of the oversight committee. The council will work under guidelines and outcomes established by the oversight committee. In addition, this allows the council to continue its work immediately. All committees approved by the oversight committee automatically are repealed at the end of the second year of the legislative session. Vote 15-0.

***HB 189*, relative to disclosure of certain hospital fees. INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Fredette for Health, Human Services and Elderly Affairs: The intent of this bill has been accomplished by an informal agreement with the NH hospital association that it will ensure that the patients are informed of the charge for a facility fee. The effectiveness of this agreement will be confirmed in six (6) months by the oversight committee with the NH hospital association. Vote 15-1.

***HB 289*, relative to procedures followed by funeral directors. OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill for unclaimed remains would add sections that address the issue of missing relatives, criminal death cases, relying on representations and the disposition of unclaimed remains. This bill allows for respectful and dignified disposition of the deceased. Vote 16-0.

Amendment (0132h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Repeal. RSA 325:28, relative to education meetings held by the board of registration of funeral directors and embalmers, is repealed.

AMENDED ANALYSIS

This bill details procedures to be followed by funeral directors when releasing custody of a body.

This bill also eliminates the requirement of the board of registration of funeral directors and embalmers to hold education meetings.

***HB 306*, relative to access to birth records. INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill would enable a "person of interest" to request a copy of the birth worksheet from the state registrar. The

birth worksheet contains information that includes personal demographic information as well as information such as alcohol use, prenatal care information, infections present during pregnancy, method of delivery as well as abnormal conditions of the newborn. The committee determined that this was a breach of privacy. Vote 15-0.

HB 510, requiring marital masters to be New Hampshire residents. **OUGHT TO PASS.**
Rep. Brian J. X. Murphy for Judiciary: This bill requires marital masters to be residents of New Hampshire at the time of appointment and throughout their term. Marital masters are contract employees reporting to the judicial branch. The committee felt that these jurists should live in and be subject to the same laws and regulations as the communities that they service. The residency requirement accomplishes this goal. Vote 13-2.

HB 511, relative to retired judges over 70 years of age. **OUGHT TO PASS.**
Rep. J. Brandon Giuda for Judiciary: This bill eliminates the unconstitutional practice of allowing retired judges over the age of 70 to serve as a judge. Part II, Article 78 of the New Hampshire Constitution states, "No person shall hold the office of judge of any court ... after he has attained the age of seventy years." Part I, Article 35 of the New Hampshire Constitution states that in order to hold a judicial office, one must be "nominated and appointed by the Governor and council." Part II, Article 73 states that "judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution." In recent years, the judiciary created and embraced the practice of allowing retired judges over the age of 70 to sit on cases, in order to provide a solution to the political problem of too few judges. When challenged, the New Hampshire supreme court reasoned that although the position required an original nomination and appointment by the governor and council and although the position required good behavior, holding the position of a temporary judge was not actually "holding office" and therefore there was no statutory or constitutional violation. However, in coming to its decision, the committee believes the supreme court misconstrued legislative intent and the New Hampshire Constitution to conclude that the legislature condoned this practice and the constitution allowed it. In its decision supporting this practice, the supreme court stated, "Permitting retired justices to serve in temporary assignments after the age of seventy substantially increases judicial manpower by making available a greater number of experienced justices. Of course, if the legislature disagrees with our conclusions concerning RSA 490:3, it has the sole authority to amend the statute." Although the committee agrees that permitting retired justices over the age of 70 to serve may provide a solution, the committee disagrees that this practice is constitutional. The proper solution to the problem is a constitutional amendment which would almost certainly be endorsed by the committee. Vote 11-3.

HB 529-FN, relative to real property on which methamphetamine has been produced. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary W. Wheaton for Judiciary: This bill would have given the department of environmental services (DES) the power to notify property owners that a methamphetamine drug bust has occurred on their property, and then require the owner to pay for commercial/government approved cleaning services to remediate their properties. The majority of the committee felt this bill would give the DES more powers over property owners than necessary. None of the witnesses testifying before the committee could point out any situations where this has ever caused any adverse health problems to individuals in the past. Vote 14-0.

HB 551, relative to religious societies. **INEXPEDIENT TO LEGISLATE.**
Rep. Brian J. X. Murphy for Judiciary: This bill seeks to update antiquated statutes regarding religious societies. The committee acknowledged that certain aspects of the

statute at issue were likely outdated. However, the committee concluded that statutes are best changed in response to a specific problem or a specific petitioner. In this case, there were no representatives from religious societies advocating for the proposed updates. Without this context, the committee was not in favor of deleting and/or repealing certain aspects of the statute while leaving other sections unchanged. Vote 13-2.

HB 135, relative to state employee reimbursement for use of a personal vehicle.
INEXPEDIENT TO LEGISLATE.

Rep. David H. Kidder for Legislative Administration: This bill seemed to be overkill to the committee, in light of several bills passed over the last several sessions, and the response of the administrator of fixed and mobile assets in the department of administrative services. The department is evolving and doing a much better job on efficient fleet utilization. It now has one person dedicated to data collection which is used at the monthly meeting of the vehicle utilization committee. Personal mileage and fleet issues are discussed at those meetings. Vote 12-0.

HB 159, relative to review of proposed administrative rules by legislative committees.
INEXPEDIENT TO LEGISLATE.

Rep. William B. Tobin for Legislative Administration: The committee found that a very similar bill was being considered on the same subject and had very similar verbiage, therefore, this bill was redundant. Vote 12-0.

HB 530-FN, relative to state regulation of the septic system installation process.
INEXPEDIENT TO LEGISLATE.

Rep. James E. Coffey for Municipal and County Government: This bill transfers the authority to approve septic system design and installation for subsurface sewerage disposal systems, with a capacity of up to 20,000 gallons per day, from the department of environmental services (DES) subsurface systems bureau to the local municipality. This bill mandates that each municipality appoints a local plumbing inspector to perform all functions currently handled by DES. After hearing testimony from the bill's sponsors, installers, designers and representatives of local government the committee voted 14-0 to recommend that the bill was Inexpedient to Legislate. The committee concluded that DES provides a high quality professional service with consistent uniformity throughout the state. The committee felt that this high quality would be seriously compromised, or lost, if it was spread out over more than 20 jurisdictions, most of whom do not want to perform this work. Local towns would need to expend funds to require a back up inspector. Not a single municipality expressed an interest in doing this work. The reduction in the DES workforce would incur a one time charge of about \$348,000, but there would be little or no future savings for DES since this function is paid for by fees. Based on testimony from DES the state could suffer a reduction of over \$1,000,000 in federal grants should this bill pass. If HB 530-FN were to pass it would endanger our groundwater quality, create an environment that might foster inappropriate and inconsistent behavior at the local level, and place an unfunded mandate on our cities and towns, while eliminating one of DES's most effective programs. Vote 14-0.

HB 550-L, relative to the payment of bills by municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The town treasurer has duties described in RSA 41:29. The bill would have authorized the treasurer to designate another town official or employee to pay accounts and claims prior to the approval of the governing body. The committee strongly disagreed with having another person responsible for paying bills. An amendment was presented that would have changed RSA 41:9 which details the financial duties of the selectmen. This amendment gave the town administrator or administrative assistant the authority to pay accounts and claims. The committee again

strongly disagreed with this change. Vote 14-0.

HB 139, establishing a committee to study merging the New Hampshire turnpike system and the state highway system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The basic premise of this bill proposes to form a committee to study removing the toll plazas on the 89 miles of NH's turnpike system, and replacing them with "the road toll (gas tax) or other sources of revenue or both." The NH turnpike system is currently solvent, and its roads and bridges are in generally very good condition. The reason for this is that toll plaza revenue pays off the turnpike bonds. In order to eliminate the tolls it would necessitate paying off the existing bond holders at a cost of about a 14 cent increase in the road toll (gas tax). This increase does not address the projected \$1.2 billion cumulative 10-year deficit in the highway fund (and its 4,300 miles of road and 2,100 bridges), nor the \$250-300 million underfunding of the I-93 widening. The committee felt that the premise is unreasonable and that a study committee was not necessary. Vote 15-1.

HB 323, establishing a commission to study and promote the long-term growth and efficient use of existing state highway rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: There is no current need that the department of transportation (DOT) cannot handle adequately and the current financial situation will not allow us to implement most proposed changes. Vote 16-0.

HB 471-FN, relative to the discontinuance of certain tolls and authorizing the department of transportation to establish a toll plaza between exits 1 and 2 on the F.E. Everett turnpike. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: This bill proposes to discontinue toll plazas on the F.E. Everett Turnpike in Merrimack and Bedford, including the mainline toll in Bedford and relocating it between Exits 1 and 2 in Nashua. The committee heard extensive testimony that this toll relocation would cause tremendous traffic diversion onto the already overcrowded Daniel Webster Highway. It was also felt that "tolling" the Massachusetts border would give the wrong message to tourists, and out-of-state business and industry, and would have an unfair impact on NH commuters. The possibility of Massachusetts retaliating by putting a toll on its side of the border was also raised. Vote 16-0.

HB 472-FN, relative to a certain E-Z Pass discount for Nashua toll plazas. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: There is no need for this bill since the committee does not recommend placing toll booths between Exits 1 and 2 in Nashua (HB 471-FN). Vote 16-0.

HB 497-FN-L, relative to the placement of crosswalks and a stop sign in the town of Rye. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: There is no need for this bill in that the items requested are within the existing authority of the department of transportation. The department will contact town officials and address the town's concerns at the particular intersection in the safest manner possible. Vote 16-0.

HCR 20, urging Congress to expedite the return of the Coast Guard Cutter USCGC Storis to the state of Alaska to become Alaska's first maritime museum. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Tamburello for State-Federal Relations and Veterans Affairs: This HCR is unneeded and is outside the purview and jurisdiction of the state of New Hampshire. It has

noble intent but it is not within the powers or responsibilities of New Hampshire to interfere with the movement or possessions of other states. Additionally, neither the relevant historical societies(s) and museum(s), nor the state of Alaska authorities have been notified of this effort to have it coordinated. Vote 12-0.

HCR 21, urging the US Army Corps of Engineers to donate a portion of the wreckage of the USS Chickasaw, which served in the Civil War, to the state of New Hampshire.

INEXPEDIENT TO LEGISLATE.

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: Although of historical interest, the value of the wreckage of the USS Chickasaw to New Hampshire has not been established nor has the cost to New Hampshire for the preparation and transportation of the wreckage to New Hampshire been provided. No testimony was provided regarding the value to New Hampshire museums and/or historical societies. Vote 12-0.

HCR 24, urging the New Hampshire congressional delegation to sponsor legislation implementing policy recommendations of the Congressional Budget Office. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: The prime sponsor requested that the legislation be withdrawn. Out of respect for the sponsor the committee was unanimous in its decision. Vote 13-0.

HR 10, urging the United States Congress to remove tax breaks for companies that send jobs out of the country. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: The committee strongly concurs with the sentiment of this resolution. We also recognize that New Hampshire's national delegation is fully aware of this issue and supports policies to resolve the problem. To avoid unnecessary work and expense and to avoid distracting our national delegation, the committee recommends ITL. Vote 12-0.

MOTION TO SPECIAL ORDER

Rep. Chandler moved that **HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C., be made a Special Order as the first order of business on the Regular Calendar.

Adopted.

REGULAR CALENDAR

SPECIAL ORDER

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill honors the memory of Corporal Timothy Gibson, USMC, who was killed in action in Iraq in 2005 by naming a bridge in the town of Merrimack in his honor. The amendment simply corrects the DOT inventory number of the bridge. Vote 12-0.

Amendment (0364h)

Amend the bill by replacing section 1 with the following:

1 Bridge Named in Honor of Corporal Timothy Gibson, U.S.M.C. Pursuant to RSA 4:43, the bridge on the F. E. Everett Turnpike at exit 11 that passes over Greeley street in the town of Merrimack, being designated as bridge number 113/089 in the state bridge inventory, shall be named the Corporal Timothy Gibson, U.S.M.C. Memorial Bridge in honor of Corporal Timothy Gibson, U.S.M.C. who was killed in action in Iraq in 2005. Appropriate signage or markers may be placed at the site.

Rep. Notter spoke in favor.
Amendment adopted.
Committee report adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

Speaker O'Brien introduced Tom and Elaine Gibson, parents of Corporal Timothy Gibson, U.S.M.C.

MOTION TO PRINT REMARKS

Rep. Hinch moved that the remarks made by Rep. Notter on **HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C., be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Notter, accompanied by the Merrimack delegation: Good Morning and a special hello to Tom and Elaine Gibson, Bill and Betty Trueheart and everyone else who is here today in support of Tim's bridge. Corporal Timothy Gibson of the United States Marines paid the ultimate price in service to our country in 2005. I remember that everyone in my town of Merrimack seemed to be affected when the young marine died in Iraq. It was another marine, Gary Gahan, who brought the idea to me to draft a bill to name a bridge in Merrimack after Corporal Gibson. I wish I could take the credit because I am proud and honored to be the prime sponsor of this bill. When the hearing was held in Public Works I noticed that not one of us in support of the bill actually knew Tim Gibson personally; we just knew he was from our town. He was from the great State of New Hampshire and a United States Marine. Semper Fi. Those who serve in the military, in a sense, belong to all of us. We are proud of our service men and women and when one of them falls, we wish to honor them. The anguish that their parents feel every single day is one that none of us wants to experience and wish that, for them, the pain could subside. Naming a bridge after Tim will remind all who travel that our country was attacked on 9/11 and many answered the call to see that it never happens again, including the young marine from Merrimack, Corporal Timothy Gibson, U.S.M.C. May his memory be eternal. I hope you will support this bill. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Corporal Timothy Gibson, U.S.M.C.

REGULAR CALENDAR (CONT'D)

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry G. Gagne for the Majority of Criminal Justice and Public Safety: This bill would have allowed denial of a concealed weapon license to be heard in superior court. RSA 159:6-c was designed to allow a denial to be heard in a district court. This allows the applicant to appeal the decision of the issuing authority either pros or cons with an attorney. If the issuing authority did not follow the procedure outlined in RSA 159:c, License to Carry, the procedure then is outlined in RSA 159:6-d, which allows the applicant to file in superior court. The passage of HB 29 would be costly and time consuming for both the applicant and the issuing authority. It would also be costly for the taxpayers. This statute has served gun owners since its inception in 1998, when it was introduced and supported by gun owners,

passed by the general court and signed into law by the governor. Vote 11-6.
Rep. Robbie L. Parsons for the Minority of Criminal Justice and Public Safety: The minority believes that HB 29 should have been amended and be OTP. 1) Remove municipal court, as they no longer exist. 2) Add superior court because RSA 491.7 states of actions commenced in a district court which are transferable by statute to the superior court.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Howard and Laware spoke against.
Rep. Hoell spoke against and yielded to questions.
Rep. Welch spoke in favor and yielded to questions.
Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 167 NAYS 168

YEAS 167

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Millham, Alida
Pilliod, James	Swinford, Elaine	Tilton, Franklin	Tobin, William

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Patten, Betsey
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Richardson, Herbert
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Aguiar, James	Benn, Bernard	Bulis, Lyle	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Reilly, Harold Sr	Simard, Paul	Smith, Suzanne
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Brunelle, Michael
Champagne, Norma	Christensen, D.L.	Christiansen, Lars	Cote, David
	Chris		
Cusson-Cail, Kathleen	Erickson, Duane	Gagne, Larry	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Graham, John	Haefner, Robert
Hawkins, Kenneth	Hutchinson, Winfred	Jasper, Shawn	Judy, Jean
Katsiantonis, Thomas	Kurk, Neal	LeBrun, Donald	Long, Patrick
Messier, Irene	Moran, Edward	Palmer, Barry	Pepino, Leo
Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Rowe, Robert	Sullivan, Daniel	Thomas, Joseph
Twombly, Timothy	Willette, Robert		

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Frazer, June	Gile, Mary	Hess, David	Kidder, David
Lockwood, Priscilla	MacKay, James	McDonnell, John	Owen, Derek
Patten, Dick	Potter, Frances	Reed, Dennis	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Allen, Mary	Azarian, Gary	Cali-Pitts, Jacqueline	Case, Frank
Charron, Gene	Devine, James	DiPentima, Rich	Dowling, Patricia
Duarte, Joe	Fesh, Robert	Garrity, James	Gould, Kenneth
Lovejoy, Patricia	Major, Norman	McKinney, Betsy	Moody, Marcia
Murphy, Brian	Nevins, Chris	Norelli, Terie	O'Connor, John
Packard, Sherman	Pantelakos, Laura	Powers, James	Quandt, Marshall
Read, Robin Jr	Sanders, Elisabeth	Schlachman, Donna	Sedensky, John
Sytek, John	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Browne, Brendon
Cataldo, Sam	Ginsburg, Philip	Grassie, Anne	Harty, Martin
Hofemann, Roland	Hooper, Dorothea	Kaen, Naida	Keans, Sandra
Larsen, Kirsten	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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NAYS 168

BELKNAP

Comtois, Guy	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Worsman, Colette			

CARROLL

Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Pettengill, Laurie	Scala, Dino	Trogenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Lindsey, Steven
Moore, Charles	Moore, Robert Jr		

COOS

Remick, William

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Shackett, Jeffrey	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Burt, John
Cebrowski, John	Coffey, James	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Emerton, Larry	Fredette, Robert
Gandia, Laura	Greazzo, Phil	Hansen, Peter	Hardwick, Harry
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Krasucki, Joseph	Levasseur, Nickolas	Maltz, Jonathan
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Stephen	Parison, James	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Scotsas, Lisa	Silva, Peter	Simmons, Tammy
Soucy, Connie	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Cox, Sean	Giuda, J. Brandon
Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	McGuire, Carol	McGuire, Dan
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Bates, David
Bettencourt, David	Birdsell, Regina	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	DeSimone, Debra	Elliott, Robert
Ferrante, Beverly	Garcia, Marilinda	Griffin, Mary	Hagan, Joseph
Headd, James	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Lundgren, David	MacMahon, Bruce	Manuse, Andrew	Mauro, Donna
McMahon, Charles	Okerman, Richard	Oligny, Jeffrey	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sapareto, Frank
Sapienza, Marie	Sheffert, Kenneth	Smith, William	Sullivan, James
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Webb, James
Wheaton, Gary			

STRAFFORD

DeLemus, Susan	Groen, Warren	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Munck, Philip	Newton, Clifford	O'Connor, William
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Howard, Thomas
LaCasse, Paul Sr	Laware, Thomas	Lovett, Charlene	Osgood, Joe
Rodeschin, Beverly	Smith, Steven		

with Speaker O'Brien voting in the affirmative, the majority committee report failed, 168-168.

Rep. Bettencourt moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 475-FN, relative to penalties under the consumer protection act. **OUGHT TO PASS.**
Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The law currently allows only misdemeanor charges under the consumer protection act against an individual, regardless of the value of the goods or services involved in the crime. The committee believes it is appropriate to let the punishment better fit the crime by allowing a charge of class B felony for values between \$1,000 and \$1,500 and a class A felony for a value of more than \$1,500. Vote 13-1.

Rep. Swinford moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 572-FN, relative to official oppression. **OUGHT TO PASS.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill revises the offense of official oppression by making it either a class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit oneself or another or to harm another. The committee felt that the intention of this bill, to increase accountability of public servants, is a positive step towards better government. Vote 9-5.

Committee report adopted and ordered to third reading.

HB 240, allowing voters to vote for multiple candidates for an office. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Election Law: This bill, which would institute approval voting, would fundamentally change the way we elect the people who represent us. Under this election system citizens could vote for as many candidates as they “approve” of. If this bill became law, even the proponents admit that a candidate who in a traditional election would have won the popular vote can lose and a candidate who would have gotten the least number of votes could win. While it is true that the winner would be “approved” by the greatest number of voters, it would essentially give us governance by “whomever.” When those we elect do not have a base of strong support it is almost always impossible for them to govern effectively. The only example of a political organization using this method of voting that can be found is the United Nations – need we say more? Vote 15-3.

Rep. Cameron W. DeJong for the Minority of Election law: This bill is a simple idea which eliminates spoilers, gamesmanship and tossed ballots at essentially no cost while maintaining the familiar ballot form and counting methods. It does this by allowing the voter to express a separate opinion on each candidate, i.e. “would that candidate be a good choice for that office?” This approach would lead to more widely supported candidates and greater voter satisfaction. Unfortunately the bill was discussed by opponents in its public hearing in such a way that many aspects of the bill were misunderstood. For example, it was alleged that cities like San Francisco use this method while in reality they use very expensive and problematic instant runoff voting (IRU) systems. The minority believes that this bill should be retained by the committee for further review to work on the exact wording of its ballot, instructions, and to alleviate concerns brought forth by the Secretary of State.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Dan McGuire moved Recommit and spoke in favor.

Reps. Bowers and Cohn spoke in favor.

Rep. DeJong spoke in favor and yielded to questions.

Reps. Bates and Bettencourt spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 68 NAYS 272

YEAS 68

BELKNAP

Comtois, Guy Worsman, Colette

CARROLL

Knox, J. David Pettengill, Laurie Tregenza, Norman

CHESHIRE

Cartwright, Anne Hunt, John Johnsen, Gladys Lindsey, Steven
Moore, Charles Weed, Charles

COOS

Coulombe, Gary

GRAFTON

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Burt, John	DeJong, Cameron
Greazzo, Phil	Hansen, Peter	Hardwick, Harry	Infantine, William
Maltz, Jonathan	McCarthy, Michael	Murphy, Keith	Palmer, Stephen
Pratt, Calvin	Scontsas, Lisa	Simmons, Tammy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Owen, Derek
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	

ROCKINGHAM

Brown, Paul	Elliott, Robert	Garcia, Marilinda	Lundgren, David
Manuse, Andrew	Okerman, Richard	Oligny, Jeffrey	Reagan, John
Sapareto, Frank	Sapienza, Marie	Smith, William	Tasker, Kyle
Tremblay, Stella			

STRAFFORD

DeLemus, Susan	Groen, Warren	Hofemann, Roland	Jones, Kyle
Jones, Laura	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Lucien			

SULLIVAN

Bowers, Spec Cunningham, Steven Smith, Steven

NAYS 272

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey

Swinford, Elaine

Tilton, Franklin

Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Dwinell, Richard
Meader, David
Sad, Tara
Weber, Lucy

Byrnes, John
Emerson, Susan
Moore, Robert Jr
Smith, Edwin

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Pastor, Beatriz
Simard, Paul
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
White, Andrew

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Shackett, Jeffrey
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Emerton, Larry
Gandia, Laura
Gorman, Mary
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Levasseur, Nickolas
Mecheski, Holly
Ober, Lynne
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Graham, John
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
Messier, Irene
Ober, Russell III
Pepino, Leo
Renzullo, Andrew
Rowe, Robert
Sullivan, Daniel
Twombly, Timothy

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Coffey, James
Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Kurk, Neal
McClarren, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Rhodes, Brian
Silva, Peter
Swank, Matthew
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Champagne, Norma
Cote, David
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hawkins, Kenneth
Holden, Frank
Jeudy, Jean
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pilotte, Maurice
Rokas, Ted
Soucy, Connie
Terrio, Ross
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary

Bouchard, Candace
DeStefano, Stephen
Keane, Thomas

Coffey, Jennifer
Foose, Robert
Kidder, David

Cox, Sean
Frazer, June
Lindsley, Mark

Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Mackay, James
Reed, Dennis
Watrous, Rick

McDonnell, John
Shurtleff, Stephen
Williams, Robert

Patten, Dick
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
Moody, Marcia
O'Connor, John
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Dowling, Patricia
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Sullivan, James
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Powers, James
Reichard, Kevin
Schlachman, Donna
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hooper, Dorothea
Larsen, Kirsten
Schmidt, Peter
Wall, Janet

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Munck, Philip
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Kaen, Naida
Newton, Clifford
Sprague, Dale

Browne, Brendon
Harty, Martin
Keans, Sandra
Panek, William
Vita, Carol

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly
and the motion failed.

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene

LaCasse, Paul Sr
Osgood, Joe

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Vaillancourt and Dan McGuire spoke against and yielded to questions.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Bates spoke in favor.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 303 NAYS 44

YEAS 303

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Dwinell, Richard
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

Byrnes, John
Emerson, Susan
Meader, David
Roberts, Kris
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Moore, Charles
Sad, Tara
Weber, Lucy

Chase, Cynthia
Hunt, John
Moore, Robert Jr
Smith, Edwin

COOS

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
White, Andrew

Benn, Bernard
Gionet, Edmond
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Harding, Laurie
Pastor, Beatriz
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Champagne, Norma

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Campbell, David
Christiansen, Lars

Barry, Richard
Boehm, Ralph
Cebrowski, John
Coffey, James

Cote, David
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Parison, James
Porter, Marjorie
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Twombly, Timothy
Willette, Robert

Cusson-Cail, Kathleen
Emerton, Larry
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph
Long, Patrick
Mecheski, Holly
Ober, Lynne
Pepino, Leo
Ramsey, Peter
Rosenwald, Cindy
Silva, Peter
Swank, Matthew
Ulery, Jordan

Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Graham, John
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Rowe, Robert
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Jeudy, Jean
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Pilotte, Maurice
Rhodes, Brian
Scotsas, Lisa
Stroud, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne

Bouchard, Candace

Coffey, Jennifer

Cox, Sean

Deloge, Helen
Gile, Mary
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Sanborn, Laurie
Watrous, Rick

DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
MacKay, James
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Hess, David
Lauer-Rago, Kathleen
McDonnell, John
Potter, Frances
Smith, Molly
Winter, Steven

Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Carol
Reed, Dennis
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
McKinney, Betsy
Nevins, Chris
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Sytek, John
Waddell, James
Welch, David

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Powers, James
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Moody, Marcia
O'Connor, John
Peckham, Michele
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Oigny, Jeffrey
Perkins, Amy
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hofemann, Roland
Keans, Sandra
O'Connor, William
Spainhower, Dale
Wall, Janet

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Larsen, Kirsten
Panek, William
Spang, Judith
Watters, David

Brown, Julie
Grassie, Anne
Horriggan, Timothy
Munck, Philip
Pitre, Joseph
Sprague, Dale

Browne, Brendon
Harty, Martin
Kaen, Naida
Newton, Clifford
Schmidt, Peter
Vita, Carol

SULLIVAN

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly
Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene

NAYS 44

BELKNAP

Comtois, Guy

CARROLL

Knox, J. David

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Johnsen, Gladys

Lindsey, Steven

Weed, Charles

COOS

Coulombe, Gary

GRAFTON

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Greazzo, Phil
Ober, Russell III
Vaillancourt, Steve

Ball, J. Michael
Lambert, George
Palmer, Stephen
Warden, Mark

Burt, John
Maltz, Jonathan
Pratt, Calvin

DeJong, Cameron
Murphy, Keith
Simmons, Tammy

MERRIMACK

Cohn, Seth
Seaworth, G. Brian

Hoell, J.R.

McGuire, Dan

Richardson, Jon

ROCKINGHAM

Brown, Paul
Sapienza, Marie

Garcia, Marilinda
Tremblay, Stella

Manuse, Andrew

Okerman, Richard

STRAFFORD

DeLemus, Susan
Parsons, Robbie

Groen, Warren
Vita, Lucien

Jones, Kyle

Jones, Laura

SULLIVAN

Bowers, Spec

Smith, Steven

and the majority committee report was adopted.

MOTION TO PRINT DEBATE

Rep. Manuse moved that the debate on **HB 240**, allowing voters to vote for multiple candidates for an office, be printed in the Permanent Journal.

On a division vote, 60 members having voted in the affirmative and 283 in the negative, the motion failed.

MOTION TO SUSPEND HOUSE RULES

Rep. Lambert moved that House Rules be suspended as to allow a motion of reconsideration on **HB 539-FN**, repealing the state enforcement of OBD II requirements for motor vehicles, past the deadline of the last day to act on House bills going to a second committee.

Rep. Lambert spoke in favor.

Rep. Jasper spoke against.

On a division vote, 103 members having voted in the affirmative and 241 in the negative, the motion failed lacking the necessary two-thirds vote.

REGULAR CALENDAR (CONT'D)

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Lyle E. Bulis for Fish and Game and Marine Resources: The committee heard extensive

testimony and then debated two relevant amendments that ultimately failed. The majority of the committee voiced strong concern about the safety of those in, on or around vehicles containing loaded firearms. The majority of the committee feels that the existing firearms statutes should not be changed. The department of safety, the fish and game department, and the New Hampshire police chiefs association among many others voiced opposition to this bill. Vote 12-4.

Rep. Hopper moved Recommit, spoke in favor and requested a roll call; sufficiently seconded.

YEAS 241 NAYS 108

YEAS 241

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Lindsey, Steven	Moore, Charles	Moore, Robert Jr
Roberts, Kris	Smith, Edwin	Sterling, Franklin Jr	

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
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GRAFTON

Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles	Taylor, Kathleen		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Champagne, Norma
Christensen, D.L.	Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen
Chris			
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Emerton, Larry	Erickson, Duane	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen

Parison, James
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Pepino, Leo
Rowe, Robert
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Peterson, Lenette
Scontsas, Lisa
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Pratt, Calvin
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
Winter, Steven

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Matt
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sapienza, Marie
Sullivan, James
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
Panek, William
Vita, Lucien

Brown, Julie
Harty, Martin
Munck, Philip
Parsons, Robbie

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 108

BELKNAP

Luther, Robert

CARROLL

McCarthy, Frank

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Sad, Tara

Carr, Daniel
Lerandeau, Alfred
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
White, Andrew

Benn, Bernard
Gould, Franklin
Pierce, David

Brosseau, Charles
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
LeBrun, Donald
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Fredette, Robert
Hawkins, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Jeudy, Jean
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Cebrowski, John
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
Potter, Frances
Watrous, Rick

Foose, Robert
Kidder, David
Reed, Dennis
Williams, Robert

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Pantelakos, Laura
Sanders, Elisabeth

Charron, Gene
Lovejoy, Patricia
Powers, James
Schlachman, Donna

Devine, James
Moody, Marcia
Read, Robin Jr
Tucker, Pamela

DiPentima, Rich
Norelli, Terie
Reichard, Kevin
Webb, James

STRAFFORD

Berube, Roger
Hofemann, Roland
Keans, Sandra
Sprague, Dale

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Horrigan, Timothy
Spainhower, Dale
Watters, David

Grassie, Anne
Kaen, Naida
Spang, Judith

SULLIVAN

Cloutier, John
Adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

Recommitted to the Committee on Fish and Game and Marine Resources.

BILL REMOVED FROM THE CONSENT CALENDAR

HB 556, relative to citizen complaints against police officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This is a personnel issue for which most towns and cities already have procedures in place. Also, all personnel issues are not public. Vote 11-3.

Reps. Manuse and Gagne spoke against.

Rep. Sapareto spoke against and yielded to questions.

Rep. Jasper spoke in favor.

On a division vote, 241 members having voted in the affirmative and 102 in the negative, the committee report was adopted.

REGULAR CALENDAR (CONT'D)

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill would require the supreme court to adopt rules of evidence to be followed uniformly in the family division. Established experimentally in 2005 by enactment of RSA Chapter 490-D and gradually expanded thereafter, the family division has taken over jurisdiction of many family-related matters formerly exercised by the superior, district or probate courts. Apparently, by reason that Chapter 490-D is silent on the subject and that many parties in the family division appear pro se, that is, without attorneys, proceedings in the courtroom have typically been conducted informally, without requiring adherence to the New Hampshire rules of evidence followed in the other courts. While superficially such informality would appear to be helpful and conducive to getting to the facts, in actual practice it encourages such abuses as the making of accusations and recriminations on the basis of hearsay, which cannot be effectively rebutted, leading to confusion and disorder in the court and injustice to the accused. The qualification in this bill that the rules adopted should be based on the present rules of evidence "to the extent practicable" should provide the marital master with the necessary flexibility. Vote 10-5. Committee report adopted and ordered to third reading.

HB 584, authorizing coastal management provisions in master plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The master plan in a community gives the residents the opportunity to give guidance to the planning board about how they want to see their community grow and change. There are fourteen subjects that are spelled out in RSA 674:2, III. One of those subjects is "natural hazard section which documents the physical characteristics, severity, frequency and extent of any potential natural hazards to the community." The committee noted that coastal management in relationship to rising sea levels fits into the mission of this paragraph. The committee also realizes that the Army Corp of Engineers, the coastal management plan for New Hampshire and the department of environmental services already have a variety of rules and regulations. The majority of the committee agreed that coastal management was already covered by the master plan. Vote 13-1.

Rep. Watters spoke against.

Rep. Betsey Patten spoke in favor.

Committee report adopted.

HB 64-FN, authorizing medal insignias on special number plates for veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for Transportation: This bill is very well intentioned. However, there are plans in committee to deal with creating a multi-use plate to be used by many organizations. Vote 14-0.

Committee report adopted.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education

certificate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Transportation: This bill, as amended, would enforce the requirement of boaters to have a safe boater education certificate only as a secondary action when an operator of a motorized or registered vessel has been cited, charged with, or issued a written warning for a violation or some other offense, or as a primary action when an operator is involved in an accident or when an operator is the subject of a complaint made to a peace officer or an agent of the director of the marine patrol division of the department of safety. Vote 12-3.

Amendment (0084h)

Amend the bill by replacing section 1 with the following:

1 Safe Boater Education Certificate; Possession Required. Amend RSA 270-D:11, III to read as follows:

III. Enforcement of this section shall be accomplished only as a secondary action when an operator of a motorized or registered vessel has been cited, ~~[or]~~ charged with, ***or issued a written warning for a violation or some other offense, or as a primary action when an operator is involved in an accident or when an operator is the subject of a complaint made to a peace officer or an agent of the director.***

AMENDED ANALYSIS

This bill permits enforcement of the requirement of boaters to have a safe boater education certificate when the operator is issued a written warning for a violation or offense or when the operator is involved in an accident or is the subject of a complaint.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 441-FN, relative to muffling devices on boats. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Hikel for Transportation: This bill allows an already compliant exhaust system on boats to be manually switched to allow above water exhaust to be diverted underwater to further quiet and be of enjoyment to all those in lake homes. Furthermore, this practice at high rpm's is potentially very damaging internally, which will ensure the practice will be at low speeds - approximately 10-15 mph. Vote 14-0.

Amendment (0367h)

Amend the bill by replacing section 1 with the following:

1 Muffling Devices. RSA 270:25, II is repealed and reenacted to read as follows:

II. A boat may be equipped with a switchable device that will reduce the exhaust noise level in compliance with the limits established by RSA 270:37.

Amendment adopted.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would have set up a procedure for the return of personal property seized under RSA 173-B by law enforcement agencies. The committee felt that the bill had merit, but there were several issues that the sponsors hadn't addressed that were brought to the committee's attention during the bill's hearing including the proposed time limits, how the issue of contraband would be addressed, how this bill might conflict with RSA 606:10, II, etc. The committee recommends that the sponsors work with the department of safety on a new bill for next year's session. Because of the changes that need to be made, the bill would be changed substantially, thus allowing it to be introduced in the second half of the biennium. Vote 14-2.

Rep. Jasper moved Recommit.

Rep. Swinford spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 448-FN, relative to spice incense products. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill presents a slippery slope with no foreseeable end. Any product used against its intended and instructed use can be dangerous. This product has no greater potential for abuse or danger than any number of legally sold products. Vote 11-5.

Rep. Emerson spoke against and yielded to questions.

Rep. Tasker spoke in favor.

Rep. Emerson requested a roll call; sufficiently seconded.

YEAS 158 NAYS 188

YEAS 158

BELKNAP

Comtois, Guy
Luther, Robert
Tobin, William

Fields, Dennis
Malone, Robert
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Tregenza, Norman

Babson, David Jr
Umberger, Karen

Knox, J. David

Patten, Betsey

CHESHIRE

Cartwright, Anne
Smith, Edwin

Hunt, John

Lindsey, Steven

Moore, Robert Jr

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Aguiar, James
Simard, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James

Balboni, Michael
Belvin, William

Ball, J. Michael
Boehm, Ralph

Barry, Richard
Christensen, D.L.
Chris

Daniels, Gary
Gagne, Larry
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy

DeJong, Cameron
Gandia, Laura
Graham, John
Hikel, John
Hopper, Gary
McCarthy, Michael
Notter, Jeanine
Parison, James
Renzullo, Andrew
Soucy, Connie

Erickson, Duane
Gidge, Kenneth
Greazzo, Phil
Hinch, Richard
Kurk, Neal
McClarren, Donald
Ober, Lynne
Pepino, Leo
Rowe, Robert
Swank, Matthew

Fredette, Robert
Gimas, John
Haefner, Robert
Hogan, Edith
Levasseur, Nickolas
McGuinness, Sean
Ober, Russell III
Peterson, Lenette
Silva, Peter
Terrio, Ross

Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Moe

Warden, Mark

MERRIMACK

Coffey, Jennifer
Hess, David
Kidder, David
McGuire, Dan
Smith, Molly

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
Richardson, Jon
Winter, Steven

Cox, Sean
Hoell, J.R.
Lockwood, Priscilla
Sanborn, Laurie

Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Allen, Mary
Bates, David
Davenport, Joshua
Fesh, Robert
Kappler, Lawrence
O'Connor, John
Quandt, Matt
Sapienza, Marie
Tasker, Kyle
Weyler, Kenneth

Antosz, Jason
Brown, Paul
Devine, James
Garrity, James
MacMahon, Bruce
Okerman, Richard
Reagan, John
Sedensky, John
Tremblay, Stella

Azarian, Gary
Chirichiello, Brian
Duarte, Joe
Headd, James
Major, Norman
Packard, Sherman
Ritter, Glenn
Smith, William
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Itse, Daniel
McKinney, Betsy
Quandt, Marshall
Sapareto, Frank
Sytek, John
Welch, David

STRAFFORD

Browne, Brendon
Groen, Warren
Jones, Laura
Parsons, Robbie

Cataldo, Sam
Harty, Martin
Keans, Sandra
Pitre, Joseph

DeLemus, Susan
Horrigan, Timothy
Newton, Clifford
Vita, Lucien

Ginsburg, Philip
Jones, Kyle
O'Connor, William

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 188

BELKNAP

Accornero, Harry
Russell, David

Bolster, Peter
St. Cyr, Jeffrey

Millham, Alida
Tilton, Franklin

Pilliod, James

CARROLL

Chandler, Gene
Merrow, Harry

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Scala, Dino

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Byrnes, John
Emerson, Susan
Meader, David
Sad, Tara
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Moore, Charles
Sterling, Franklin Jr

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

Theberge, Robert

GRAFTON

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Brosseau, Charles
Harding, Laurie
Pierce, David
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Reilly, Harold Sr
Townsend, Charles

Cooney, Mary
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Champagne, Norma
Cusson-Cail, Kathleen
Garrity, Patrick
Hardwick, Harry
Jeudy, Jean
Long, Patrick
Ohm, Bill
Rhodes, Brian
Shaw, Barbara
Twombly, Timothy

Barry, J. Gail
Burt, John
Christiansen, Lars
Doherty, Shaun
Goley, Jeffrey
Hutchinson, Winfred
Katsiantonis, Thomas
Mecheski, Holly
Palmer, Barry
Rokas, Ted
Stroud, Kathleen
Whitehead, Randall

Bergevin, Jerry
Campbell, David
Coffey, James
Donovan, Daniel
Gorman, Mary
Infantine, William
Krasucki, Joseph
Messier, Irene
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Daniel
Willette, Robert

Brown, Kevin
Cebrowski, John
Cote, David
Emerton, Larry
Hansen, Peter
Jasper, Shawn
LeBrun, Donald
Moran, Edward
Porter, Marjorie
Scontsas, Lisa
Thomas, Joseph

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Lindsley, Mark
Patten, Dick
Wallner, Mary Jane

Bouchard, Candace
Frazer, June
MacKay, James
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
McDonnell, John
Reed, Dennis
Williams, Robert

DeStefano, Stephen
Lauer-Rago, Kathleen
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Case, Frank
Dowling, Patricia
Griffin, Mary
Katsakiores, Phyllis
McMahon, Charles
Norelli, Terie
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth
Ward, Joanne

Bettencourt, David
Charron, Gene
Ferrante, Beverly
Hagan, Joseph
Lovejoy, Patricia
Moody, Marcia
Oligny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Sullivan, James
Waterhouse, Kevin

Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Lundgren, David
Murphy, Brian
Pantelakos, Laura
Powers, James
Sanders, Elisabeth
Tamburello, Daniel
Webb, James

Cali-Pitts, Jacqueline
DiPentima, Rich
Gould, Kenneth
Introne, Robert
Mauro, Donna
Nevins, Chris
Peckham, Michele
Read, Robin Jr
Schlachman, Donna
Waddell, James

STRAFFORD

Andolina, Donald
Hooper, Dorothea
Panek, William
Sprague, Dale

Brown, Julie
Kaen, Naida
Schmidt, Peter
Vita, Carol

Grassie, Anne
Larsen, Kirsten
Spainhower, Dale
Wall, Janet

Hofemann, Roland
Munck, Philip
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Lovett, Charlene
and the committee report failed.
Rep. Welch moved Recommit.

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

Lefebvre, Benjamin

On a division vote, 211 members having voted in the affirmative and 138 in the negative, the motion was adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 160, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilinda J. Garcia for Legislative Administration: This bill, as amended, would change one word in RSA 17-E:5-a, pursuant to the decisions and actions of the joint committee on legislative facilities. The word “use” is changed to “operation,” thus allowing for specificity in application of decision making authority about state buildings. Vote 12-0.

Amendment (0063h)

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

AN ACT relative to decisions and actions of the joint committee on legislative facilities.

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

1 Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E:5-a, VIII to read as follows:

VIII. To establish policies regarding the ~~[use]~~ **operation** of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

2 New Section; Joint Committee on Legislative Facilities; Stay of Committee Action.

Amend RSA 17-E by inserting after section 5-a the following new section:

17-E:5-b Stay of Committee Action. A decision or action of the committee pursuant to RSA 17-E:5-a shall be effective unless the chairperson of the committee is presented a notice by a member of the general court indicating the intent to petition for reversal or amendment of the decision or action. The stay of the committee action shall be effective for 14 calendar days upon the filing of the notice. During the 14-day period, the petition shall be signed by at least 25 percent of the members of the body originating a petition for stay, otherwise the stay shall be removed. If the required signatures are achieved, the stay shall continue and the member shall cause to be introduced a concurrent resolution reversing or amending the decision or action of the committee. A concurrent resolution under this section may be introduced at any time during the legislative session. It shall be subject to the same rules as any other concurrent resolution introduced at the beginning of the legislative session. The decision or action of the committee shall be stayed pending the final disposition of the concurrent resolution addressing the matter.

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

AMENDED ANALYSIS

This bill allows for decisions and actions of the joint committee on legislative facilities to be stayed pending a concurrent resolution to reverse or amend the decision or action. The bill also clarifies the powers of the committee to establish policies for the operation of legislative facilities.

Rep. Mirski spoke in favor.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 350-FN, updating laws relative to the fiscal committee of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilinda J. Garcia for Legislative Administration: This bill, as amended, is a housekeeping measure that updates laws relative to the fiscal committee of the General Court. It streamlines laws between the house and senate. Vote 12-0.

Amendment (0238h)

Amend the bill by replacing section 37 with the following:

37 State Financing of Court Facilities. Amend RSA 490-B:5, II to read as follows:

II. The amount to be paid for each court facility shall be negotiated by the ~~[administrative office of the courts and approved by the court accreditation commission]~~ **department of administrative services** and shall be subject to final approval ~~[by the fiscal committee of the general court and]~~ by the governor and council **or the department of administrative services, whichever is applicable under statutes, rules, or the procedures of governor and council.**

AMENDED ANALYSIS

This bill updates laws relative to the fiscal committee of the general court.

This bill also makes technical corrections to a law relative to court facility financing to reflect current procedures for negotiation and approval of leases.

Rep. Mirski spoke against.

Amendment failed.

The question now being adoption of the motion of Ought to Pass.

Adopted.

Referred to the Committee on Executive Departments and Administration.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that late drafting and introduction having been approved by the House and in accordance with the list in the possession of the Clerk, House Bill numbered 25 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (Chandler, Carr 1; Boutin, Dist 16: Public Works and Highways)

RESOLUTION

Rep. Bettencourt 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 Tuesday, March 15, 2011 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 106, relative to filing for town offices.

HB 289, relative to procedures followed by funeral directors.

HB 510, requiring marital masters to be New Hampshire residents.

HB 511, relative to retired judges over 70 years of age.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

HB 572-FN, relative to official oppression.

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 441-FN, relative to muffling devices on boats.

UNANIMOUS CONSENT

Reps. DeLemus and Rowe addressed the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports. Adopted.

The House recessed at 12:45 p.m.

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Cataldo offered the following: RESOLVED, that late drafting and introduction having been approved by the House and in accordance with the list in the possession of the Clerk, House Bills numbered 1 and 2 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Weyler, Rock 8: Finance)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Weyler, Rock 8: Finance)

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that late drafting and introduction having been approved by the House, House Bill numbered 651 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 651, allowing the sale and possession of monk parakeets. (Notter, Hills 19; Avard, Hills 20; Peterson, Hills 19; Scontsas, Hills 22; Cox, Merr 6; Pitre, Straf 3; Hill, Merr 6: Fish and Game and Marine Resources)

RECESS