

State of New Hampshire HOUSE RECORD

Second Year of the 162nd General Court
Calendar and Journal of the 2012 Session

Vol. 34

Concord, N. H.

Wednesday, May 30, 2012

No. 47

HOUSE JOURNAL No. 22 (cont.)

Thursday, May 17, 2012

Rep. Silva moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 23

Wednesday, May 30, 2012

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.

Heavenly Lord, bless the leaders of our State that we may be a people at peace among ourselves and a blessing to our constituents. Grant wisdom and grace in the exercise of their duties and especially give them courage and foresight to provide for the true needs of all our citizens so that as one people we may do our duty to the community of nations. At this time each year, Lord, we especially ask that You remember the fallen; who died in fields of war, in flaming clouds, in shattering crowds, on streets that are no more, that we today might waken and greet this day in peace with grateful prayer for those who bear these storms that never cease. Remember, Lord, our friends and strangers and those forgotten now, whose names are known to You alone, before whose love we bow and ask that You surround them with mercy's endless light that they may live and we forgive, for peace sake, the foe they went to fight. Remember, Lord, the living, who bear the pain of loss, in these days when freedom is all but lost. We call on Your love which transcends the tragedies we create through conflict as well as the losses we endure in our uniformed forces, the innocent victims of war and military non-combatants. Raise up in joy all those who have died in our Armed Forces and grant peace to the world through Your mercy in those whose hearts endure the fight they fought, that our fallen heroes may be honored by our tranquility and concord. We pray this in Your Holy name. Amen.

Representative Robert Kingsbury, member from Laconia, led the Pledge of Allegiance.

Representative James Garritty, member from Atkinson, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Case, Emerson, Gargas, Hofemann, Jeudy, Chip Rice and Marc Tremblay, the day, illness.

Reps. Ball, Beattie, Blankenbaker, Kevin Brown, Campbell, Jennifer Coffey, DeJong, Deloge, Garcia, Gould, Infantine, Leonard, Lerandau, Bruce MacMahon, Merrick, Charles Moore, Packard, Panek, Peterson, Dennis Reed, Michael Reed, Jon Richardson, Rokas, Scala, Shuler, Swank, Tamburello, Tatro and Watters, the day, important business.

Reps. Andolina, Jane Johnson and Pastor, the day, illness in the family.

Reps. Meader and Rhodes, the day, death in the family.

INTRODUCTION OF GUESTS

Butch Cote and Paul Osman, guests of Rep. Ulery. John O'Connor, guest of Reps. LaCasse and Cunningham. Thomas Moses, guest of the Speaker and the House Chaplain. 8th graders from Merrimack Middle School, guests of the Hillsborough District 19 Delegation.

John Silk, a student at Keene High School, Page for the day.

The Speaker ordered a quorum call; a quorum was declared present.

COMMUNICATION

Thursday, 24 May 2012

Hon. Karen O. Wadsworth
House Clerk
107 N. Main Street
Concord, N.H. 03301

Dear Karen,

As of the moment that you open this letter I have regretfully resigned from the House of Representatives. Requirements of the New Hampshire State Constitution Part I, Article XIV cause this resignation to be necessary. Serving the citizens of Albany, Madison and Eaton in Carroll County has been a privilege and also a joy. I am most grateful to the citizens of Albany, Madison and Eaton and also to the other members of this chamber who have worked with me as we have served our constituents together. May the hand of God bless and protect you and all House members, all staff and also the citizens who may be seated in the gallery in Representatives Hall if this letter is read aloud.

Respectfully submitted,

Norman Tregenza
Carroll District II

COMMUNICATION

May 27, 2012

Mr. Speaker,

It is with deep sadness that I resign from the New Hampshire House of Representatives, the finest body of citizen legislators in the world. Obviously, this is not how I wished to say

goodbye to the wonderful people I have had the pleasure of serving and becoming friends with these past eight years. It is among my many regrets that, through my own fault, I cannot express my thanks and say farewell to you all in person. I want the House to know that I am sorry for my inexcusable lapse of judgment and integrity. We are citizen legislators – our obligations as legislators never relieve us of our obligations as citizens. I have breached those citizen obligations and I stand ready for the consequences. I apologize to the University Of New Hampshire School Of Law, my fellow students, alumni, Dean Broderick, and Representative Giuda. They have offered me a coveted opportunity to learn and be a part of an honorable and rewarding profession. But that profession comes with high expectations that my actions demonstrate I am not yet ready to meet. I can only hope that I will one day be worthy of it. I apologize to the citizens of Salem and Windham. Representing you in the General Court has been an honor of my life, and I gave it my all. I look forward to working to regain your trust and reconnecting with you as a neighbor and friend instead of as an elected official. Finally, I want to apologize to my family. I was raised to be much better than this. To the extent I have fallen short, the fault is entirely my own. Thank you to those who have expressed your love and prayers. Your kindness and compassion to a man who does not deserve it are appreciated beyond my ability to put them into words. Thank you to all Members and staff of the House, both Republican and Democrat, who make the sacrifice to serve our wonderful state. That sacrifice is worth it. Continue to do your best to, in whatever limited way that government can, make New Hampshire the most prosperous, free, fair, and joyous place on Earth. May God bless you and the state that we love.
Best always,
D.J. Bettencourt

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1297, relative to federal health care reform and health care exchanges. (Amendment printed SJ 5-16-12)

Rep. Hunt moved that the House concur and spoke in favor.
Adopted.

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated. (Amendment printed SJ 5-9-12)

Rep. Itse moved that the House concur and spoke in favor.
Adopted.

HB 1419, relative to the rights of military parents. (Amendment printed SJ 5-16-12)

Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 138-FN, relative to the cold case homicide unit. (Amendment printed SJ 4-25-12)

Rep. Swinford moved that the House concur.
Rep. Welch spoke in favor.
Adopted.

HB 217-FN, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus. (Amendment printed SJ 5-16-12)

Rep. Swinford moved that the House concur.
Rep. Shurtleff spoke against and yielded to questions.
Rep. Gagne spoke in favor.
Rep. Silva requested a roll call; sufficiently seconded.

YEAS 210 NAYS 108

YEAS 210

BELKNAP

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

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Pettengill, Laurie	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Robert Jr	Smith, Edwin		

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, Richard	Belanger, James
Bergevin, Jerry	Boehm, Ralph	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Daniels, Gary	Day, Russell
Doherty, Shaun	Donovan, Daniel	Gagne, Larry	Gandia, Laura
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McGuinness, Sean	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Parison, James	Pellegrino, Tony	Pepino, Leo	Pratt, Calvin
Renzullo, Andrew	Rowe, Robert	Seidel, Carl	Silva, Peter
Simmons, Tammy	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Peter	Terrio, Ross	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	McDonnell, John	McGuire, Carol	McGuire, Dan
Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Birdsell, Regina	Brown, Paul
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Fesh, Robert	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lundgren, David	Major, Norman	Manuse, Andrew	Mauro, Donna
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Perkins, Amy	Perkins, Lawrence	Quandt, Marshall
Quandt, Matt	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sedensky, John	Sheffert, Kenneth
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Laura	Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

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

NAYS 108

BELKNAP

Millham, Alida	Pilliod, James
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CARROLL

Babson, David Jr	Patten, Betsey
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CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Lindsey, Steven
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Harding, Laurie	Nordgren, Sharon	Pierce, David	Simard, Paul
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belvin, William	Brownrigg, Randall Jr
Christensen, D.L.	Cote, David	Daler, Jennifer	Drisko, Richard
Chris			
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Katsiantonis, Thomas
Kurk, Neal	Leishman, Peter	Ober, Russell III	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Robbins, David
Rosenwald, Cindy	Scontsas, Lisa	Soucy, Connie	Sullivan, Daniel
Vaillancourt, Steve	Warden, Mark	Whitehead, Randall	

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Kidder, David	Lockwood, Priscilla	MacKay, James
Owen, Derek	Palfrey, David	Patten, Dick	Potter, Frances
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Ferrante, Beverly	Lovejoy, Patricia	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Peckham, Michele	Read, Robin Jr	Sapareto, Frank
Schlachman, Donna	Serlin, Christopher	Waddell, James	

STRAFFORD

Browne, Brendon	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet		

SULLIVAN

Cloutier, John Schmidt, Andrew
and the motion was adopted.

HB 283-FN, relative to impaired drivers. (Amendment printed SJ 4-25-12)
Rep. Swinford moved that the House concur.
Rep. Welch spoke in favor.
Adopted.

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. (Amendment printed SJ 4-18-12)
Rep. Swinford moved that the House concur.
Rep. Tholl spoke in favor.
On a division vote, 277 members having voted in the affirmative and 30 in the negative, the motion was adopted.

HB 1128, relative to ignition interlock device recalibration and data reports. (Amendment printed SJ 4-25-12)
Rep. Swinford moved that the House concur.
Rep. Tholl spoke in favor.
Adopted.

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment. (Amendment printed SJ 4-25-12)

Rep. Swinford moved that the House concur.

Rep. Warden spoke in favor.

Adopted.

HB 1184, relative to the use of video evidence to support an arrest for willful concealment of merchandise. (Amendment printed SJ 5-9-12)

Rep. Swinford moved that the House concur.

Rep. Kreis spoke in favor.

Adopted.

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. (Amendment printed SJ 4-18-12)

Rep. Swinford moved that the House concur.

Rep. Shurtleff spoke in favor.

Adopted.

HB 1665-FN, enabling a superior court or circuit court to implement one or more drug courts. (Amendment printed SJ 5-2-12)

Rep. Swinford moved that the House concur.

Rep. Welch spoke in favor.

Adopted.

HB 1699-FN, relative to driving under the influence of drugs. (Amendment printed SJ 5-16-12)

Rep. Swinford moved that the House concur.

Rep. Charron spoke in favor.

Adopted.

HB 545, relative to the administrative rulemaking process governing home educated pupils. (Amendment printed SJ 5-16-12)

Rep. Balboni moved that the House concur.

Rep. Boehm spoke in favor.

Adopted.

HB 1139, making changes to the unique pupil identification system. (Amendment printed SJ 5-16-12)

Rep. Balboni moved that the House concur and spoke in favor.

Adopted.

HB 1360, relative to the rulemaking authority of the state board of education. (Amendment printed SJ 5-16-12)

Rep. Balboni moved that the House concur and spoke in favor.

Adopted.

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. (Amendment printed SJ 5-16-12)

Rep. Balboni moved that the House concur and spoke in favor.

Adopted.

HB 1571, relative to educational evaluation of home schooled children. (Amendment printed SJ 5-16-12)

Rep. Balboni moved that the House concur.
Rep. Boehm spoke in favor.
Adopted.

HB 1633, relative to a tally requirement on school district warrant articles. (Amendment printed SJ 5-9-12)
Rep. Bates moved that the House concur and spoke in favor.
Adopted.

HB 137-FN-L, relative to the state fire code and the state building code. (Amendment printed SJ 5-9-12)
Rep. Carol McGuire moved that the House concur, spoke in favor and yielded to questions.
Rep. Proulx spoke against.
Rep. Mirski spoke in favor.
Adopted.

HB 1362, exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals. (Amendment printed SJ 5-9-12)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

HB 1508, relative to procedures of the board of mental health practice. (Amendment printed SJ 5-9-12)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

HB 1631, allowing persons licensed to provide emergency medical services to work at social or sporting events. (Amendment printed SJ 5-9-12)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire. (Amendment printed SJ 5-9-12)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS (CONT'D)

HB 1332, relative to the law enforcement authority of fish and game conservation officers. (Amendment printed SJ 5-16-12)
Rep. Newton moved that the House concur and spoke in favor.
On a division vote, 224 members having voted in the affirmative and 36 in the negative, the motion was adopted by the necessary two-thirds vote.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS (CONT'D)

HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants. (Amendment printed SJ 5-16-12)
Rep. Newton moved that the House concur.
Rep. Chandler spoke in favor.
Adopted.

HB 514, relative to entry on private land. (Amendment printed SJ 4-18-12)
Rep. Rowe moved that the House concur.
Rep. Giuda spoke in favor.
Adopted.
Rep. Winfred Hutchinson declared a conflict of interest and did not participate.

HB 574, relative to the taking of private property during a state of emergency. (Amendment printed SJ 5-2-12)
Rep. Rowe moved that the House concur.
Rep. Giuda spoke in favor.
Adopted.

HB 1223-FN, relative to remedies under the right-to-know law. (Amendment printed SJ 5-2-12)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 1290, relative to self-storage facility liens. (Amendment printed SJ 5-16-12)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 1679-FN, relative to partial-birth abortion. (Amendment printed SJ 4-25-12)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 1366, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits. (Amendment printed SJ 5-2-12)
Rep. Daniels moved that the House concur and spoke in favor.
Adopted.

HB 1582, relative to medical and surgical benefits for state employees. (Amendment printed SJ 5-9-12)
Rep. Daniels moved that the House concur and spoke in favor.
Adopted.

HB 1480, relative to requiring sprinklers in certain buildings. (Amendment printed SJ 5-9-12)
Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 1483-FN, repealing the retirement system special account. (Amendment printed SJ 5-16-12)

Rep. Hawkins moved that the House concur and spoke in favor.

On a division vote, 226 members having voted in the affirmative and 82 in the negative, the motion was adopted.

Rep. Lars Christiansen declared a conflict of interest and did not participate.

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States. (Amendment printed SJ 5-9-12)

Rep. Baldasaro moved that the House concur and spoke in favor.

On a division vote, 176 members having voted in the affirmative and 130 in the negative, the motion was adopted.

HB 1607-FN-L, establishing an education tax credit. (Amendment printed SJ 5-16-12)

Rep. Stepanek moved that the House concur.

Rep. Major spoke in favor and yielded to questions.

Adopted.

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities. (Amendment printed SJ 5-16-12)

Rep. Mirski moved that the House nonconcur and spoke in favor.

Adopted.

HB 1632, establishing a committee to assess the cost savings of digitizing the general court. (Amendment printed SJ 5-16-12)

Rep. Mirski moved that the House nonconcur and spoke in favor.

Adopted.

HB 1209, establishing a committee to study administration of the business profits tax and the business enterprise tax. (Amendment printed SJ 5-9-12)

Rep. Stepanek moved that the House nonconcur and spoke in favor.

Adopted.

SENATE MESSAGES

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 508, establishing a performance measurement system for state agencies.

HB 1140, relative to the care of war memorials in Franconia Notch state park.

HB 1692-FN, making changes to the administration of the university system of New Hampshire.

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 190, relative to the duties and membership of the executive branch ethics committee.

The President appointed Sens. Groen, White and Larsen.

Rep. Bates moved that the House refuse to accede and spoke in favor.

Adopted.

RESOLUTION

Rep. Silva 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 and when the House adjourns today it be to meet Wednesday, June 6, 2012 at 10:00 a.m.

Adopted.

UNANIMOUS CONSENT

Reps. Graham, Kingsbury, Harding, Cataldo and Hess addressed the House.

MOTION TO PRINT REMARKS

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

Adopted.

Rep. Graham: Thank you, Mister Speaker. My colleagues, for a century this day, the 30th day of May, was set aside, first as Decoration Day and later as Memorial Day, as a day of remembrance. Today, hundreds of our fellow citizens are gathered in Boscawen to continue this tradition, and I, too, remember. Growing up, I remember almost daily walking past the memorial and common grave of those first ones to die that fateful April morning as they stood their ground and started a revolution that would lead to a new nation. I remember a much smaller memorial on that same town common, one dedicated to the memory of the crew of the Lexington and its loss at the Battle of the Coral Sea. I remember annual summer trips with my father to reunions of the unit he served with in WWII, where I would listen virtually unnoticed as my father and those who fought with him from Normandy and into Germany spoke of their service, sometimes in humor but always with a sense of sadness for those who did not make it home, those who lay in graves scattered across Europe. I remember my high school and college classmates who did not return from the war of my youth. I remember presenting folded flags on behalf of a grateful nation to grieving family members. I recall the anguish, continuing shock and numbness of families as we worked together to arrange for survivor's benefits for those left behind. On this day, each of us in this Chamber remembers someone, family member, friend, neighbor who has made that ultimate sacrifice for us. This is the time for us to set aside our differences, our acrimony, in order that we might remember them. All of them, the nearly 1 million men and women who have perished in the 237 years since those first embattled farmers stood and defied an empire in order that we might be free. Finally, Mister Speaker, I remember that the current generation has once again been called upon by our nation to take up arms on our behalf. And, like the preceding generations, many of them will not be returning to the loving arms of their families. So, let us remember now three of New Hampshire's own who answered our call and in so doing lost their life in combat since last Memorial Day: Specialist Nicholas P. Bernier, US Army, of East Kingston, Specialist Michael B. Cook, Jr., US Army, from Salem and Chief Warrant Officer Christopher R. Thibodeau, US Army, of Marlborough. Thank you, Mister Speaker, and I would request a moment of silence for them and their families.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those who fought and lost their lives for our country.

REMARKS PRINTED

Without objection, the Speaker ordered the remarks by Rep. Kingsbury be printed in the Permanent Journal.

REMARKS

Rep. Kingsbury: Thank you, Mister Speaker. Good morning, Representatives. It's great to see all of you here. I appreciate the call. In a couple of weeks, my Division will be getting together again for a reunion. The highlight of our reunion is the memorial service because

we are acquainted with so many men who are not with us right now. It's quite an experience to see this many people, as soldiers, go out into an attack and see three hundred or so go out and about 30 come back. That's a personal experience as close to the heart as something else when your Company has made an attack and there are 120 riflemen in a Company at the, more or less, the end of the attack, there are 12 men from your Company still on their feet. They're the only men on their feet in this particular area, so we won that battle, but we also remember the rest of the men. At our memorial service, we give thanks that those men lived to accomplish as much as they did. Every once in awhile, I think of what we used to do, I think of the campfires that we used to sit around on occasion, how the smoke would flow into your eyes and your eyes would water. If I remember that during this talk, forgive me. Of the things to say, one of the most poignant things I've ever run across is the talk that President Abraham Lincoln gave at Gettysburg when they dedicated the cemetery so pardon me from telling you about somebody else and I didn't bring it.

"Four score and seven years ago, our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we can not dedicate - we can not consecrate - we can not hallow - this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us - that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain - that this nation, under God, shall have a new birth of freedom - and that government of the people by the people, for the people, shall not perish from the earth."

REMARKS PRINTED

Without objection, the Speaker ordered the remarks by Rep. Cataldo be printed in the Permanent Journal.

REMARKS

Rep. Cataldo: Thank you, Mister Speaker. My colleagues, today is Memorial Day and freedom is not free. Memorial Day, 1943, I was a young man dressed in my Navy whites, even thought I was in the Air Force later. World War I standing next to me was my Dad. He was a veteran dressed in his military uniform and we marched to the cadence of the beat. My brother was in the Pacific, World War II, as we marched to the cadence of the beat. I remember those early days during World War II, standing on the corner, selling red poppies to wear on Memorial Day, with the money going to benefit servicemen in need as I marched to the cadence of the beat. The following verse was written by an anonymous person. "For not long ago to another sound, men of great virtue stood their ground, their world spinning round and round. And lest we forget their treasured souls, midst blossoms and ribbons and stones in a row." The year was 1953 and the sounds of rifles, at a cadence to the beat once again, as my Dad was buried. When I heard the sound of taps, a thrill and a chill came over my body. I wondered if one day, it would be meant for me. To be a soldier, to give up the ghost and not by will. No, freedom was not free in 1953. Today, I will fly my Dad's flag, 48 stars, like I do every year on Memorial Day. It lay on his coffin and I remember that day in

1953. I looked at the stones and how many had fallen over the years. How many had died on foreign soil. How many mothers' tears. How many pilot's planes came down. How many died at sea. How many foxholes were the soldier's graves. I looked at the stones. No, freedom was not free. The year was now 1993 and the stones had grown. My brother joined his comrades as I marched to the cadence of the beat. Today we must pause and consider the true recognition of the holiday. How many American today have forgotten the meaning and traditions of Memorial Day, not just those fallen in service to our country. Memorial Day, originally called Decoration Day, is a day of remembrance was first observed May 30, 1868. It was about coming together to honor those who gave their all. Memorial Day represents honoring those Americans who died while defending our Nation and its values. This Memorial Day we must remember and reflect on the sacrifices made by many to provide and protect our Nation and our freedom. I salute all those who marched to the cadence of the beat on this Memorial Day. Remembering today that we are in the age of technology that war is brought into our homes. That love and separation are united into one. Many veterans worked in our offices, in our factories, on our farms and here in the Legislature, but most have been strengthened by their call of duty. A grateful nation on this Memorial Day, we must open her heart in gratitude for their sacrifice, for their courage and for their noble service. Let us today, if we must, debate the lessons learned at some other time. Today, I simply say with pride, thank you, dear Dad. Thank you to my brother, Tony, and thank you all to veterans by honoring their commitment, their devotion to duty and to God and Country. And, on this Memorial Day, may God cradle you in his loving arms as we all march to the cadence of the beat. No, freedom was not free in 2003. If I may, Mister Speaker, I want to ask all the veterans to please stand. I have in the back today for all of you and everyone in this House, the words to Taps. If all the veterans would please stand at this time, Mister Speaker, I would like to read the words to Taps to all the veterans.

Taps

Day is done, gone the sun,
From the hills, from the lake,
From the sky.
All is well, safely rest,
God is nigh.
Go to sleep, peaceful sleep,
May the soldier or sailor,
God keep.
On the land or the deep,
Safe in sleep.
Love, good night, must thou go,
When the day, and the night
Need thee so?
All is well. Speedeth all
To their rest.
Fades the light; And afar
Goeth day. And the stars
Shineth bright,
Fare thee well; Day has gone,
Night is on.
Thanks and praise, for our day,
'Neath the sun, 'neath the stars,
'Neath the sky,
As we go, this we know,
God is nigh.

Thank you all.

MOTION TO PRINT REMARKS

Rep. Silva moved that the remarks made by Rep. Hess be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Hess: Thank you, Mister Speaker. The words that were just read to you of **Taps**, were drafted for the first time during the Civil War and I'd like to share a few messages of heroism about some of our New Hampshire men who served during the Civil War. New Hampshire sent over 21 regiments of volunteers into the Union Army, 31,600 enlisted men and over 850 officers. But, of those men, perhaps the most famous was the Fifth New Hampshire. It mustered in in October of 1861 and mustered out of the Army at the Potomac in July of 1865. It saw almost continuous combat over that three year, nine month period. It fought at Antietam and indeed the Fifth New Hampshire led the charge across the Burnside Bridge which actually stopped and forced them to retire back across the Potomac. They charged multiple times up the hill at Fredericksburg only to be thrown back by the confederates. At Chancellorsville they were almost overrun by Stonewall Jackson's famous left hook. They served on Cemetery Ridge in Gettysburg. They were the most bloodied regiment in the Union Army in the Civil War. They mustered in, in 1861, at 1,010 men. When they had mustered out, over 1,500 were casualties, 60%. Over 1,000 were dead, 40%. 18 of their officers were killed in action. That was the story of the Fifth New Hampshire. I hope you'll remember. Thank you.

RECESS MOTION

Rep. Silva moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments, enrolled bill reports and veto messages from the Governor.
Adopted.

The House recessed at 12:25 p.m.

RECESS

(Rep. Graham in the Chair)

ENROLLED BILL AMENDMENTS

HB 222-FN, relative to the specificity of certain statutory provisions granting rulemaking authority.

Amendment (2383-EBA)

Amend RSA 314:8, III as inserted by section 16 of the bill by replacing it with the following:

III. The content and conduct of [a] **written and practical** competency
[examination] **examinations**.

Amend section 18 of the bill by replacing line 1 with the following:

18 Fees; Ophthalmic Dispensers, Amend RSA 327-A:7 as follows:

Adopted.

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

Amendment (2385-EBA)

Amend section 1 of the bill by replacing line 6-7 with the following:

center, except for the equipment, software, buildings, and grounds of the discovery center which shall be transferred to the department of administrative services as provided in

section 5 of this

Amend RSA 12-L:1, V as inserted by section 2 of the bill by replacing line 2 with the following:

in RSA 12-L:13 and the corporation's board established in RSA 12-L:14 which is responsible for the

Amend RSA 12-L:9 as inserted by section 4 of the bill by replacing line 6 with the following:
intended for operations through December 31, 2012 shall be deposited in the McAuliffe-Adopted.

HB 1415, relative to permits for repair or replacement of sewage and waste disposal system.

Amendment (2344-EBA)

Amend RSA 485-A:30, I as inserted by section 1 of the bill by replacing line 8 with the following:

for waste disposal systems, subdivision plans, and ~~for~~ permits and approvals under the Adopted.

HB 1716, relative to the state 10-year transportation improvement program.

Amendment (2352-EBA)

Amend RSA 237:2, VII-a as inserted by section 11 of the bill by replacing line 2 with the following:

the redevelopment of existing rest areas located on Interstate 93 in the town of Hooksett to full service

Amend section 13 of the bill by replacing line 3 with the following:

13933H) which was included in the 10-year plan adopted under 2010, 231:1, is deleted from the

Amend section 14 of the bill by replacing lines 1 and 2 with the following:

14 Interstate 93 Widening Project; Salem to Manchester. The department of transportation may accept and expend any federal or other funds, with the approval of the governor and council, for the Interstate 93

Amend section 15 of the bill by replacing line 3 with the following:

Derry/Londonderry project, number 13065, 1816, for the construction of a new exit 4A on Interstate 93.

Adopted.

RECESS

(Speaker O'Brien in the Chair)

CONFEREE CHANGES

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Rep. Itse replaced Rep. Gidge.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Rep. Swinford replaced Rep. Ginsburg.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

Rep. Silva replaced Rep. Wall.

HB 627-FN, relative to "essential benefits" under federal health care reform.

Rep. Gidge replaced Rep. Schlachman.

HB 655, establishing a committee to study issues regarding the New Hampshire Local

Government Center.

Rep. Itse replaced Rep. Almy

HB 1456, relative to school district policies on health and sex education.

Rep. Itse replaced Rep. Ladd.

HB 1487, relative to low carbon fuel standards programs.

Rep. Tucker replaced Rep. Levasseur.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Rep. Tucker replaced Rep. Levasseur.

HB 1617-FN, repealing the certificate of need law.

Rep. Elliott replaced Rep. Reagan.

Rep. Richard Barry replaced Rep. Donovan.

Rep. Itse replaced Rep. Elliott.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.

Rep. Kappler replaced Rep. Garcia.

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

Rep. Kappler replaced Rep. Renzullo.

SB 409-FN, relative to the use of marijuana for medicinal purposes.

Rep. Itse replaced Rep. Stephen Schmidt.

RECESS

(Rep. Hess in the Chair)

ENROLLED BILL AMENDMENT

SB 204, adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions. (Amendment printed SJ 6-6-12)

Adopted.

RECESS

(Rep. Moran in the Chair)

ENROLLED BILL AMENDMENT

SB 83-FN, enabling municipalities and school districts to create other post-employment benefits (OPEB) trusts. (Amendment printed SJ 6-6-12)

Adopted.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 222, 1171, 1274, 1415, 1579 and 1716 and Senate Bills numbered 48, 175, 231, 237, 239, 244, 254, 259, 284, 286, 288, 300, 306, 324, 331, 338, 342, 348, 359, 375, 401, 404 and 407.

Rep. Kidder, Sen. Prescott for the Committee

RECESS