

# Bill as Introduced

HB 1590-FN – AS INTRODUCED

2010 SESSION

10-2069  
09/03

HOUSE BILL            ***1590-FN***

AN ACT                repealing same sex marriage.

SPONSORS:            Rep. Baldasaro, Rock 3; Rep. Ulery, Hills 27; Rep. Gionet, Graf 3; Rep. Kappler,  
Rock 2; Rep. Villeneuve, Hills 18

COMMITTEE:          Judiciary

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ANALYSIS

This bill repeals same sex marriage.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT                    repealing same sex marriage.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1    Marriage; Marriages Prohibited; Recognition of Out-of-State Marriages.    RSA 457:1 –  
2    RSA 457:3 are repealed and reenacted to read as follows:

3            457:1    Marriages Prohibited; Men.    No man shall marry his mother, father's sister, mother's  
4    sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter,  
5    father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's  
6    daughter, or any other man.

7            457:2    Marriages Prohibited; Women.    No woman shall marry her father, father's brother,  
8    mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's  
9    son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

10           457:3    Recognition of Out-of-State Marriages.    Every marriage legally contracted outside the  
11    state of New Hampshire, which would not be prohibited under RSA 457:1 or RSA 457:2 if contracted  
12    in New Hampshire, shall be recognized as valid in this state for all purposes if or once the  
13    contracting parties are or become permanent residents of this state subsequent to such marriage,  
14    and the issue of any such marriage shall be legitimate.    Marriages legally contracted outside the  
15    state of New Hampshire which would be prohibited under RSA 457:1 or RSA 457:2 if contracted in  
16    New Hampshire shall not be legally recognized in this state.    Any marriage of New Hampshire  
17    residents recognized as valid in the state prior to the effective date of this section shall continue to be  
18    recognized as valid on or after the effective date of this section.

19           2    Marriageable.    Amend RSA 457:4 to read as follows:

20           457:4    Marriageable.    No male below the age of 14 years and no female below the age of 13 years  
21    shall be capable of contracting a valid marriage [~~that is entered into by one male and one female~~],  
22    and all marriages contracted by such persons shall be null and void.    [~~No male below the age of 18  
23    and no female below the age of 18 shall be capable of contracting a valid marriage between persons  
24    of the same gender, and all marriages contracted by such persons shall be null and void.~~]

25           3    Marriage; Solemnization of Marriage.    RSA 457:31 is repealed and reenacted to read as  
26    follows:

27           457:31    Who May Solemnize.    Marriage may be solemnized by a justice of the peace as  
28    commissioned in the state; by any minister of the gospel in the state who has been ordained  
29    according to the usage of his or her denomination, resides in the state, and is in regular standing  
30    with the denomination; by any member of the clergy who is not ordained but is engaged in the  
31    service of the religious body to which he or she belongs, resides in the state, after being licensed

1 therefor by the secretary of state; within his or her parish, by any minister residing out of the state,  
2 but having a pastoral charge wholly or partly in this state; by judges of the United States appointed  
3 pursuant to Article III of the United States Constitution; by bankruptcy judges appointed pursuant  
4 to Article I of the United States Constitution; or by United States magistrate judges appointed  
5 pursuant to federal law.

6 4 Solemnization of Marriage; Exceptions. RSA 457:37 is repealed and reenacted to read as  
7 follows:

8 457:37 Exceptions. Nothing contained in this chapter shall affect the right of Jewish Rabbis  
9 residing in this state, or of the people called Friends or Quakers, to solemnize marriages in the way  
10 usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis  
11 residing out of the state may obtain a special license as provided by RSA 457:32.

12 5 Reference Added; Marriage of Step-Children and Adopted Children. Amend RSA 5-C:46, II to  
13 read as follows:

14 II. The division shall issue a marriage certificate to an adopted brother and an adopted  
15 sister in the same family, unless they are also related biologically as specified in RSA 457:1 and  
16 RSA 457:2.

17 6 Repeal. The following are repealed:

18 I. RSA 100-A:2-b, relative to marriage.

19 II. RSA 457:31-b, relative to solemnization of marriage; applicability.

20 III. RSA 457:45, relative to civil union recognition.

21 IV. RSA 457:46, relative to obtaining legal status of marriage.

22 7 Effective Date. This act shall take effect January 1, 2010.

LBAO  
10-2069  
12/08/09

**HB 1590-FN - FISCAL NOTE**

AN ACT repealing same sex marriage.

**FISCAL IMPACT:**

The Department of State states this bill will decrease state restricted revenue by \$9,000 in FY 2011 and each year thereafter and will increase state expenditures by \$50,500 in FY 2011 only. There is no fiscal impact on county and local revenue or expenditures.

**METHODOLOGY:**

The Department of State states this bill repeals same sex marriage and does not restore civil unions. The Department has estimated annually approximately 200 same sex marriage registrations yielding \$9,000 (\$7,600 to the domestic violence program and \$1,400 to the vital records improvement fund) of yearly restricted revenue, which would be lost with the passage of this bill. The Department states the Department of Information Technology provided an estimate of approximately \$45,000 to program its computer system with the updates required by this bill. The Department also estimates the bill would require reprinting of marriage worksheets for a cost of \$5,000 and mailing the updated forms to town and city clerks for a postage cost of \$500.

The New Hampshire Retirement System states this bill does not change the number of individuals who qualify for System membership so it would not have an impact on employer contribution rates.

# Speakers

# SIGN UP SHEET

1 of 27

To Register Opinion If Not Speaking

Bill # HB 1590-FN Date 1/20/10

Committee Judiciary

\*\* Please Print All Information \*\*

| Name                    | Address                        | Phone | Representing         | (check one)                         |                                     |
|-------------------------|--------------------------------|-------|----------------------|-------------------------------------|-------------------------------------|
|                         |                                |       |                      | Pro                                 | Con                                 |
| REP. MOE VILLENEUVE     |                                |       |                      | <input checked="" type="checkbox"/> |                                     |
| ST. REP L. MIKE KAPPLER | ROCK DIST 2                    |       |                      | <input checked="" type="checkbox"/> |                                     |
| Rep Deborah Wheeler     | Merr <sup>CO.#</sup> 6         |       | Constituents         |                                     | <input checked="" type="checkbox"/> |
| Rep Joel WINTERS        |                                |       | Hills 17             |                                     | <input checked="" type="checkbox"/> |
| Rep Carole Brown        | Merimack Dist 8                |       |                      |                                     | <input checked="" type="checkbox"/> |
| Rep SM SPLAINS          | 201 OXFORD ST GLEN DENE, PAOLY |       |                      | <input checked="" type="checkbox"/> |                                     |
| Rep Mary Susan Gile     | Merr-10                        |       |                      |                                     | <input checked="" type="checkbox"/> |
| Andrew C Ambrogi        | 16 Bradley Lane                |       | N. Hampton, NH       |                                     | <input checked="" type="checkbox"/> |
| Rep Suzanne Hawes       |                                |       | Hills 21             |                                     | <input checked="" type="checkbox"/> |
| Ruth Smith              | 234 Southwest Rd               |       | Canterbury 783-4656  | self                                | <input checked="" type="checkbox"/> |
| Rep Rich DiBenturo      | 16 DOWLIN WAY, RUTLAND, NH     |       | Rock 16              |                                     | <input checked="" type="checkbox"/> |
| Dawn Kieder             | Conterbury, NH 03224           |       |                      |                                     | <input checked="" type="checkbox"/> |
| Susan Lyman             | 751 Jaffrey Rd                 |       | Marlborough NH 03455 | <input checked="" type="checkbox"/> |                                     |
| NORA BLANK              | CONCORD, NH 03303              |       | SELF                 |                                     | <input checked="" type="checkbox"/> |
| William Goulette        | MILFORD NH 03055               |       | SELF, WIFE           | <input checked="" type="checkbox"/> |                                     |
| Christina Jean          | 17 EDWARD DR CONCORD           |       | SELF                 | <input checked="" type="checkbox"/> |                                     |
| Jim GUBORSKI            | 341 MOUNTAIN RD CONCORD        |       | 715-5449 SELF        | <input checked="" type="checkbox"/> |                                     |
| Cynthia White           | 26 Dorsey Rd                   |       | Dartm, NH            | <input checked="" type="checkbox"/> |                                     |
| Patricia B. Lee         | 49 Belvidere St,               |       | Concord, NH 03304    | <input checked="" type="checkbox"/> |                                     |
| David Weber             | 2 Folsom St                    |       | Exeter NH 03833      |                                     | <input checked="" type="checkbox"/> |
| Faith Cook              | CONCORD N.H.                   |       | LP NH                |                                     | <input checked="" type="checkbox"/> |
| Bonnie White            | Dartm                          |       |                      | <input checked="" type="checkbox"/> |                                     |
| Mechanly-Evans          | Worcester, NH.                 |       |                      |                                     | <input checked="" type="checkbox"/> |

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2 of 27

To Register Opinion If Not Speaking

Bill # 4B 1590 FN Date 1/20/10

Committee Judiciary

\*\* Please Print All Information \*\*

| Name                             | Address                           | Phone | Representing    | (check one)                         |                                     |
|----------------------------------|-----------------------------------|-------|-----------------|-------------------------------------|-------------------------------------|
|                                  |                                   |       |                 | Pro                                 | Con                                 |
| Rep. Cymery                      | Bethany 202                       |       |                 |                                     | <input checked="" type="checkbox"/> |
| MAGGIE DONOHUE                   | CANTONBURG NH                     |       |                 |                                     | <input checked="" type="checkbox"/> |
| Hon. Rep. Dr. Eleanor McLaughlin |                                   |       |                 |                                     | <input checked="" type="checkbox"/> |
| ROBERT SCOLAMIERO                | PO Box 298 JACKSON, NH 03846      |       |                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Jennifer Laigle                  |                                   |       |                 | <input checked="" type="checkbox"/> |                                     |
| Liliana Mackenzie                | Salem, N.H.                       |       |                 | <input checked="" type="checkbox"/> |                                     |
| Doreen Johnson                   |                                   |       | self            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| JEREMY OLSON                     | CRAFTON                           |       | Self            |                                     | <input checked="" type="checkbox"/> |
| Rep. Susan Ford                  | Canton                            |       | Crafton Dist #3 |                                     | <input checked="" type="checkbox"/> |
| Elijah JOHNSON                   |                                   |       |                 | <input checked="" type="checkbox"/> |                                     |
| Elijah Kimball                   |                                   |       |                 |                                     | <input checked="" type="checkbox"/> |
| Jeremy Daley                     |                                   |       |                 | <input checked="" type="checkbox"/> |                                     |
| Denise Kimball                   |                                   |       |                 | <input checked="" type="checkbox"/> |                                     |
| Ezekiel Johnson                  |                                   |       |                 | <input checked="" type="checkbox"/> |                                     |
| Elizabeth Daley                  | Lempster                          |       |                 | <input checked="" type="checkbox"/> |                                     |
| JUSTIN BRACE                     | JACKSON, NH                       |       | self            |                                     | <input checked="" type="checkbox"/> |
| Ed Patterson                     | 46 River Rd Pittsfield            |       |                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Rick Trombly                     | 668 MAIN ST, CONTOOCOOK, NH 03229 |       |                 |                                     | <input checked="" type="checkbox"/> |
| Rep. Wm Stetson                  | Concord                           |       | Merrimack 10    |                                     | <input checked="" type="checkbox"/> |
| John Daley                       | Andrim                            | NH    |                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| John L. Johnson                  | Keene                             | NH    |                 | <input checked="" type="checkbox"/> |                                     |
| Jonathan Daley                   | Lempster                          | NH    |                 | <input checked="" type="checkbox"/> |                                     |
| Rick Tompsett                    | Manchester                        |       | CPNH            |                                     | <input checked="" type="checkbox"/> |



3 of 7

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To Register Opinion If Not Speaking

Bill # HB 1590-FN Date 1/20/2010  
 Committee Judiciary

**\*\* Please Print All Information \*\***

| Name                  | Address                 | Phone                               | Representing | (check one)  |              |
|-----------------------|-------------------------|-------------------------------------|--------------|--------------|--------------|
|                       |                         |                                     |              | Pro          | Con          |
| Rep. DAVID WATTERS    | STRAFFORD               | 19 Maple St, Dover                  |              |              | X            |
| Dario Ello            | apt @ Robin Ed Corr, NH | Self                                |              | X            |              |
| Rep. Edith Wagon      | Nashua                  | Coast 25                            |              | X            |              |
| Rep. Charlotte Houde  | Quimby                  | Sullivan                            |              |              | X            |
| Judy Paris            | PO Box 427              | Bullard NH 03221                    | self         | X            |              |
| John W. Cook          | 1538 Pickpocket Rd      | Montreal, N.H.                      |              | X            |              |
| Daniel E. Hoag        | 71 Watton St            | Nashua                              |              | X            |              |
| Barb Jackson          | LONDON, NH              | Gay marriage                        |              | X            | <del>X</del> |
| ARVIE ALPERT          |                         | AFSC                                |              |              | X            |
| Nancy Hoop            |                         |                                     |              |              | X            |
| Prin Kate             | BROOKLINE               |                                     |              |              | X            |
| Emily Bowers          | 59 Central Rd,          | Rye NH 603 247 4277                 |              | <del>X</del> | X            |
| Penny Young           | 1 Willow Ter            | London NH 603.224.6361              |              | X            |              |
| Kerri Hosi            | 2 Lynderson Rd.         | New Boston NH 603 769 4824          |              | X            |              |
| Nancy Brennan         | 8 Caldwell Ln           | Merrimack NH 424-2680               |              |              | X            |
| CAROL S. PERKINS      | 175 Quincy Rd.          | Plymouth NH 536-3823                | PFLAG        |              | X            |
| Rev. Mary Edes        | PO Box 105              | 769 Dent Hill rd. Silver Lake NH    |              |              | X            |
| Rev. Barbara McKusick | Liscord                 | 24 Old Amherst Rd, Mount Vernon, NH |              |              | X            |
| Rev. Gerald Libby     | 172 Pleasant St.        | Laconia NH                          |              |              | X            |
| Keryn Bernard-Kriegel | 10 Ferry St             | Concord NH NH CTF                   |              |              | X            |
| Rep. David Meader     | Chester                 | 3                                   |              |              | X            |
| GILLIAN CATER         | SOUTH CHURCH            | PORTSMOUTH NH                       |              |              | X            |
| Christine Trummell    | 828 New Hampton Rd.     | Sanbornton, NH 03269 603 455-1613   |              | ✓            |              |

487

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To Register Opinion If Not Speaking

Bill # HB 1590-FN Date 1/20/2010

Committee Judiciary

**\*\* Please Print All Information \*\***

| Name                    | Address                        | Phone         | Representing | (check one) |     |
|-------------------------|--------------------------------|---------------|--------------|-------------|-----|
|                         |                                |               |              | Pro         | Con |
| Kathy Lawrence          | 100 Concord Hill Pittsfield    | 435 9920      |              | X           |     |
| Jessica Clark           | 81 Dextw St Marsh              | 867-8884      |              |             | X   |
| Mark Mackenzie          | 319 W. Elie March              |               |              |             | X   |
| Rep. John DeJoie        |                                |               |              |             | X   |
| Sabrina L. Johnson      | 532 Beach St, #3 Manchester NH |               | self         |             | X   |
| Kam Nealle Jencks       | 3 Mally Stark Lane New Boston  |               | self         |             | X   |
| Molly A Corcoran        | 148 Rumford St Concord NH      |               | Self         |             | X   |
| Kathleen Rago           | 53 Maple Sq. Franbli, NH       |               |              | X           |     |
| Christine Lane          | 2 Woodvue Rd                   | 898-4450      |              | X           |     |
| Pahua Weidwald          | 5 Tarbell Rd Peterborough      | 769-0594      |              | X           |     |
| Melanie McNamara        | 190 Drinkwater Rd Kensington   | 973-0064      |              | X           |     |
| KEVIN McNAMARA          | 190 Drinkwater Rd Kensington   | 773-0064      |              | X           |     |
| Donna Mauro             | 18 Simpson Rd                  | 603-893-7186  | Windham      | X           |     |
| Genes S. Mauro          | 18 Simpson Windham             | 843 7186      |              | X           |     |
| BBN OLSON               | 77 NASHUA RD. SHARON N.H.      | 03458 5625181 |              | X           |     |
| ROSEMARY KIEPWAU LANDRY | PO Box 1162 Meredith           | 279-7458      |              | X           |     |
| Janet Lee Eburnett      | 180 Lovell rd Hudson NH        | 493 0076      |              | X           |     |
| Andrea TAYLOR           | 23 Beechwood Rd Hudson NH      |               |              | X           |     |
| Debra Picard            | 5 Stancelot Dr Derry NH        |               |              | X           |     |
| Jessie White            | 508 Smaun March                | 545472        |              |             | X   |
| Carla Skunder           | Rep for Sullivan               |               |              |             | X   |
| William Marland         | 91 Tilton Hill rd Pittsford    | 435 5383      |              | X           |     |
| Claire S. Marland       | 91 Tilton Hill Rd Pittsfield   |               |              | X           |     |

NH 03263

# SIGN UP SHEET

597

To Register Opinion If Not Speaking

Bill # HB 1590-FN Date 1/20/10

Committee Judiciary

\*\* Please Print All Information \*\*

| Name                           | Address                                    | Phone        | Representing | (check one) |     |
|--------------------------------|--|--------------|--------------|-------------|-----|
|                                |  |              |              | Pro         | Con |
| Jane Lemeland                  | 38 Concord<br>Auburn St.                   | 225-<br>0596 | (self)       |             | X   |
| Debra Picard                   | 18 Laurel Crest Dr<br>Boscawen NH          | 603-<br>0551 | self         |             | X   |
| Rep Carl Seidel                | 5 Lancelot Dr<br>Nashua                    |              | self         |             |     |
| Andrea Taylor                  | 28 Beechwood Rd<br>Hooksett NH             |              |              | X           |     |
| Maureen Mann                   | Rockingham                                 |              |              |             | X   |
| Rep. David Pierce              | Grafton 9                                  |              |              |             | X   |
| Rep Tara Sad                   | Cheshire 2                                 |              | self         |             | X   |
| Zandra Rice/Hudson             | 4 Park Street, Suite 201<br>Concord        |              | gsp          |             | X   |
| Rep Jessie Osborne             | Memphis #12                                |              | self         |             | X   |
| Jeri Wood                      | 10 Wyan Rd<br>Derry                        |              | self         | X           |     |
| FRANKLIN A. PARTIN JR          | 249 CHESTNUT HILL ROAD,<br>NEW BOSTON.     |              | SELF         | X           |     |
| Rep Barbara Richardson         | 101 Morgan Rd<br>Richmond, NH              |              |              |             | X   |
| Deanna Kelle                   | Kollingsford<br>NH                         |              |              |             | X   |
| Peter Schmidt                  | Dover, NH                                  |              | Straf. 4     |             | X   |
| <del>Marg Alice Schotale</del> | <del>5 Burgess Rd,<br/>Dorchester, N</del> |              |              |             |     |
| Rep Margaret E                 | Porter, Merrimack<br>Coast Dist 8          |              |              |             | X   |
| Rep Charles B Yeater           |  |              |              |             | X   |
| Rep Robert L Thielgoe          |  |              |              |             | X   |
| Rep Paula Russell              |  |              |              |             | X   |
| David Carter                   | Berlin NH                                  | 752-5773     | self         | X           |     |
| Glen A Sills                   | Berlin NH                                  |              |              | X           |     |
| Peter Schmidt                  | Berlin NH                                  |              | SELF         | X           |     |





# Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1590-FN

**BILL TITLE:** repealing same sex marriage

**DATE:** January 20, 2010

**LOB ROOM:** 208 **Time Public Hearing Called to Order:** 10:00 a.m.

**Time Adjourned:** 12:45 p.m.

(please circle if present)

**Committee Members:** Reps. D. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Brewne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead and Read.

**Bill Sponsors:** Rep. Baldasaro, Rock 3; Rep. Ulery, Hills 27; Rep. Gionet, Graf 3; Rep. Kappler, Rock 2; Rep. Villeneuve, Hills 18

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Al Baldassoro**, sponsor

Says gay marriage passed by one party. Said governor tied. (reading testimony)

**Rep. Jordon Ulery**, co-sponsor

Testimony was about personal relationship, but the law was a redefinition. Says, by reading a passage, 'That a man and a woman create a family.'

**Rep. Robert Mead:** Your definition of marriage? Define by government or religion? Ans: Natural law. Our Constitution and Declaration of Independence are based upon natural law.

**Rep. Ed Butler & Les Schoof** - opposed

Read testimony (first Les, then Ed).

**Rep. Susan Ford** - opposed

Reads short testimony

**Rep. Robert Thompson & Michael Jacobsen**

Reads testimony.

**Rep. Jim Splaine** - opposed

Says we (legislature) have never taken away rights .

**Rep. Peter Allen** - opposed

United States Constitution, Article 14, 'no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States... nor deny to any person... the equal protection of the laws.'

**\*Rep. Timothy Horrigan**

Says cost of bill is higher than the fiscal note indicates.

**Mo Baxley, Freedom to Marry** - opposed

Reads testimony.

**S. Scott Lucas, Bow** - supports

Reads testimony in part.

**Rep. David Nixon:** Reads Article 2, New Hampshire Constitution. How does your position relate to the mandate of Article 2? Ans. Constitution was not meant to overturn physical reality. Also mentions the will of the people to govern.

**Rob Tonneberger, Brookline** - opposed

Bill impacts only him and his partner. Mentions about rights of partner to enter a hospital. Has tremendous impact. Pays taxes on his benefits.

**Rep. Bob Perry** - opposed

Reads testimony.

**Brian Rater, Brookline** - opposed

Day state approved gay marriage was very significant.

**\*Melissa Weeks, Exeter** - opposed

Reads testimony.

**\*Rev. Eleanor McLaughlin, Randolph** - opposed

**Margaret Drye, Plainfield** - supports

Death of legislative process; the legislature played fast and loose with amendments. The legislative process was violated. Marriage should not be changed by amendment on the floor of the legislature. We should let New Hampshire vote and speak.

**Claire Ebel, NHCLU** - opposed

Bill has only been in effect 20 days, and retroactive clause to Jan I, 2010 raises serious Constitutional issues. Originally, woman was property of man. Says that the bill would not allow marriage if a couple could not produce children. Older women could not marry for the same reason. Interferes with adoption, which accounts for real families. NH laws permits gay men to father children. Families come in all shapes, sizes and orientations. All citizens have access to all of the rights and privileges guaranteed by the Constitution.

**Rep. Frances Potter:** Bill repeals civil unions. Ans. Said civil unions are a seat on the bus, but the back of the bus.



**Faith Cook**, Libertarian Party of NH - opposed

Did support bill last year. Personally, was adopted, does that mean her parents could not be married?

**Kevin Smith**, Cornerstone Action, supports

Legislature & Governor are on wrong side of history. Did not read the testimony. Keep intact existing marriages. Agrees with Ebel's position on retroactive clause (effective date). Existing same sex marriages should remain. Go back to 'mutual beneficiaries' in contracts within civil unions.

**Gary Rowe**, Salem - supports

Reads testimony. Law is bad for state and nation.

**Ben Olson**, Sharon - supports

Goes back to family values.

**\*Jennifer Daigle**, Franklin-support

Reads testimony.

**Rep. Robert Mead**: Do you agree that state can make laws, but not to change social policy?

Ans. We can make social laws such as drunk driving. She corrected her civil marriage comment to civil union.

**\*Karen Bernard-Kriegl**, Children's Trust Fund - opposed

Reads testimony.

**Rep. Gary Richardson**: Ans. Don't know how long gay adoption allowed.

**Rep. William Smith**: Two parents better than one, was that gay or regular? Ans. CDC says poor health and low income are what harm children.

**Rep. Nancy Elliott**: OK to put child in a household without mother or father? Ans. Better to have supporting household. There can be role models outside family.

**Donald Blair & Jeffrey Burke**, Franconia - opposed

Reads testimony - both reading parts. Putting a minority's issue to a vote would always loose.

**\*Ruth Smith**, Canterbury - opposed

Reads testimony.

**Janet Lee Esburnett**, Hudson - supports (absent, recorded in support)

**Dr. George Feltendorf**, Keene - supports

Reads testimony. Thinks people know what marriage is, marriage that has been around for years.

**Roy Menefee**, Pittsfield - supports

Does state have a right to pass this kind of law? Country was founded on the Bible. Rights translate to money; change laws not marriage.

**Rev. Elaine Pereslulu Rey, Portsmouth** - opposed

Describes experience as a counselor. Woman from a mother of four divorces found what love was from a gay couple, although she herself was not gay, Heterosexual parents do abuse children.

**Rep. Melanie Levesque** - opposed

We pledge freedom to all people when we pledge allegiance to the flag.

**Kevin Hoby, New Boston, Pastor of Fundamental Baptist Church** - supports

Here because of love of God and country. Do we choose pleasing certain people or God?

**Rep. Gary Richardson:** Minority rights by majority vote? Ans. Certain rights are given - inalienable and come from Creator. Rights of homosexuals not part of Declaration of Independence.

**Susan Lyman, Marlborough** - supports

Same sentiment as expressed, 200 people should not decide.

**Joan Espinola, Salem** - supports

Reads testimony, that of Baldassaro and others.

**Dawn Lieder, Canterbury** - opposed

Detailed the morning routine of a couple. Shared values, commitment and love. Same sex couples have right to be accepted within the community.

**Dan Hogan, Nashua** - supports

Definitions are important. Same sex unions are not marriage. Committee may call snow gold, but it will not be sold for \$12 an ounce. Rights are given by God, not this committee. Approve HB 1590.

**Joseph Mabe, Swanzey, Senior pastor of Hope Chapel, Keene** - opposed

Issue of representative government has not been adequately addressed. Former committee heard that the people did not want some sex marriage. Going against the people is tyranny. That is like taxation without representation. A small amount of people is making decision for people. Other states have overturned marriage decisions. The Governor did not have the right to sign the law. Let the people decide.

**Rep. Robert Mead:** Q. Would you believe that representatives you elect do not have to agree with you, and you can vote them out? Ans. If representatives disagree with the people, they should resign. We are not having representative government.

Q. But not all people are in agreement, and you have the right to turn out those who disagree? Ans. Yes

**Emily Bowers, Rye.**

This is a civil rights issue.

Important rights given to heterosexual couples are denied same-sex couples. Please uphold the rights given last year.

**Ed Patterson, Pittsfield - opposed**

Concern about long term not beneficial side effects on societal values. Concern that this would allow NAMBLA and pedophilia to spread. Concern for boys violated by men and values that the bill would promote as time goes on.

**Rich Kirby, Hebron - supports**

Father of five children and 18-1/2 grandchildren. Married in Congregational Church 47 years ago. The founders never envisioned that we would face the issue. Supports bill. Bill was passed by minority vote. Concerned that denial of right of people to vote is tyranny. The people would oppose.

**Pastor Scott Derive, PhD, Swanzey**

Australian study of genetic twins, some of whom were gay, proved homosexuality not genetic. Approval of homosexuality makes societies fail. Need to pass this bill. Information not presented about breakup of civil unions and marriages. Rights can be given by power of attorney.

**Denise Patterson, Pittsfield - opposed**

Jesus is Lord and Savior. Wants to have everyone included. Her heart leapt at the words of the Episcopal Minister. Everyone is included in her tent.

**Herb Jackson, Alton - supports**

Nine brothers, four sisters, eight children, 16 grandchildren. Legislators are planting seeds. Taught to respect authority. Legislators are appointed by God.

**Rep. Al Baldasaro, sponsor**

He wants to keep civil unions. Claims state sold kids for \$10,000 to homosexual couples.

**Janson Wu, GLAD - opposed**

Bill would take away children from homosexual couples.

**Lilian MacKensie, Salem - opposed**

Speakers have forgotten children's rights. If husband-husband, wife-wife breaks, who gets the child? Claims children are confused. Issue opens up abuse in relationship, adds confusion to children.

**Cheryle Arboleda, Concord - supports (did not testify).**

Respectfully submitted,



Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1590-FN

BILL TITLE: repealing same sex marriage

DATE: 1/20/10

LOB ROOM: 208

Time Public Hearing Called to Order: 10:00 am

Time Adjourned: 12:45

(please circle if present)

Committee Members: Reps. D. Cote, Walsh, Potte, Krackel, P. Preston, G. Richardson, L. Weber,  
B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins,  
Silva, W. Smith and Mead. Read

Bill Sponsors: Rep. Baldasaro, Rock 3; Rep. Ulery, Hills 27; Rep. Gionet, Graf 3; Rep. Kappler,  
Rock 2; Rep. Villeneuve, Hills 18

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

FROM: Rep. Philip Preston, Clerk  
DATE: Public hearing January 20, 2010  
SUBJECT: Meeting minutes on HB 1590, repealing same sex marriage.

HB1590 repealing some sex Marriage 10:05

Rep. Al Baldassoro, sponsor  
Says gay marriage passed by one party. Said governor tied. (reading testimony)

Rep. Jordon Ulery, co-sponsor  
Testimony was about personal relationship, but the law was a redefinition. Says, by reading a passage, 'That a man and a woman create a family.'  
Rep. Robert Mead: Your definition of marriage? Define by government or religion? Ans: Natural law. Our Constitution and Declaration of Independence are based upon natural law.

Rep. Ed Butler & Les Schoof, opposed  
Read testimony (first Les, then Ed)

Rep. Susan Ford, opposed  
Reads short Testimony

Rep. Robert Thompson & Michael Jacobsen  
reads testimony

Rep. Rep Jim Splaine - opposed  
Says we (legislature) have never taken away rights .

Rep. Peter Allen - opposed  
US Constitution, Article 14, 'no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States... nor deny to any person... the equal protection of the laws.'

Rep. Timothy Horrigan  
Says cost of bill is higher than the fiscal note indicates.

Mo Baxley. Freedom to Marry - opposed  
Reads testimony.

S. Scott Lucas, Bow - supports  
Reads testimony in part.  
Rep. David Nixon: Reads Article 2, NH Constitution. How does your position relate to the mandate of Article 2. Ans. Constitution was not meant to overturn physical reality. Also mentions the will of the people to govern.

Rob Tonneberger, Brookline - opposed  
Bill impacts only him and his partner. Mentions about rights of partner to enter a hospital. Has tremendous impact. Pays taxes on his benefits.

Rep. Bob Perry - opposed  
Reads testimony.

Brian Rater, Brookline - opposed  
Day state approved gay marriage was very significant.

Melissa Weeks, Exeter - opposed  
Reads testimony.

Rev. Eleanor McLaughlin, Randolph - opposed

Margaret Drye, Plainfield - supports  
Death of legislative process: the legislature played fast and loose with amendments. The legislative process was violated. Marriage should not be changed by amendment on the floor of the legislature. We should let New Hampshire vote and speak.

Claire Ebel, NHCLU - opposed  
Bill has only been in effect 20 days, and retroactive clause to Jan 1, 2010 raises serious Constitutional issues. Originally, woman was property of man. Says that the bill would not allow marriage if a couple could not produce children. Older women could not marry for the same reason. Interferes with adoption, which accounts for real families. NH laws permits gay men to father children. Families come in all shapes, sizes and orientations. All citizens have access to all of the rights and privileges guaranteed by the Constitution.  
Rep. Frances Potter: Bill repeals civil unions. Ans. Said civil unions are a seat on the bus, but the back of the bus.

Faith Cook, Libertarian Party of NH - opposed  
Did support bill last year. Personally, was adopted, does that mean her parents could not be married?

Kevin Smith, Cornerstone Action, supports  
Legislature & Governor are on the wrong side of history. Did not read the testimony. Keep intact existing marriages. Agrees with Ebel's position on retroactive clause (effective date). Existing same sex marriages should remain. Go back to 'mutual beneficiaries' in contracts within civil unions.

Gary Rowe, Salem - supports  
Reads Testimony. Law is bad for state and nation.

Ben Olson, Sharon - supports  
Goes back to family values.

Jennifer Daigle, Franklin - support  
reads testimony  
Rep. Robert Mead: Do you agree that state can make laws, but not to change social policy?  
Ans. We can make social laws such as drunk driving. She corrected her civil marriage comment to civil union.

Karen Bernard-Kriegel, Children's Trust Fund - opposed  
Read Testimony.  
Rep. Gary Richardson: Ans. Don't know how long gay adoption allowed.  
Rep. Will Smith: 2 parents better than I, was that gay or regular? Ans. CDC says poor health and low income are what harm children.

Rep. Nancy Elliott: OK to put child in a household without mother or father? Ans. Better to have supporting household. There can be role models outside family.

Donald Blair & Jeffrey Burke, Franconia - opposed  
Reads testimony - both reading parts. Putting a minority's issue to a vote would always loose.

Ruth Smith, Canterbury - opposed  
Reads testimony.

Janet Lee Esburnett, Hudson - supports (absent, recorded in support)

Dr George Feltendorf, Keene - supports  
Reads testimony. Thinks people know what marriage is, marriage that has been around for years.

Roy Menefee, Pittsfield - supports  
Does state have a right to pass this kind of law? Country was founded on the Bible. Rights translate to money; change laws not marriage.

Elaine Pereslulu Rey, Portsmouth - opposed  
Describes experience as a counselor. Woman from a mother of 4 divorces found what love was from a gay couple, although she herself was not gay, Heterosexual parents do abuse children.

Rep. Melanie Levesque - opposed  
We pledge freedom to all people when we pledge allegiance to the flag.

Kevin Hoby, New Boston, Pastor of Fundamental Baptist Church - supports  
Here because of love of God and country. Do we choose pleasing certain people or God?  
Rep. Gary Richardson: Minority rights by majority vote? Ans. Certain rights are given - inalienable and come from Creator. Rights of homosexuals not part of Declaration of Independence.

Susan Lyman, Marlborough - supports  
Same sentiment as expressed, 200 people should not decide.

Joan Espinola, Salem - supports  
Reads testimony, that of Baldassaro and others.

Dawn Lieder, Canterbury - opposed  
Detailed the morning routine of a couple. Shared values, commitment and love. Same sex couples have right to be accepted within the community.

Dan Hogan, Nashua - supports  
Definitions are important. Same sex unions are not marriage. Committee may call snow gold, but it will not be sold for \$12 an ounce. Rights are given by God, not this committee. Approve HB 1590.

Joseph Mabe, Swanzey, Senior pastor of Hope Chapel, Keene - opposed  
Issue of representative government has not been adequately addressed. Former committee heard that the people did not want some sex marriage. Going against the people is tyranny. That is like taxation without representation. A small amount of people is making decision for

people. Other states have overturned marriage decisions. The Governor did not have the right to sign the law. Let the people decide.

Rep. Robert Mead: Q. Would you believe that representatives you elect do not have to agree with you, and you can vote them out? Ans. If representatives disagree with the people, they should resign. We are not having representative government.

Q. But not all people are in agreement, and you have the right to turn out those who disagree? Ans. Yes

Emily Bowers, Rye. This is a civil rights issue.

Important rights given to heterosexual couples are denied same-sex couples. Please uphold the rights given last year

Ed Patterson, Pittsfield - opposed

Concern about long term not beneficial side effects on societal values. Concern that this would allow NAMBLA and pedophilia to spread. Concern for boys violated by men and values that the bill would promote as time goes on.

Rich Kirby, Hebron - supports

Father of 5 children and 18-1/2 grandchildren. Married in Congregational Church 47 years ago. The founders never envisioned that we would face the issue. Supports bill. Bill was passed by minority vote. Concerned that denial of right of people to vote is tyranny. The people would oppose.

Pastor Scott Derive, PhD, Swanzey

Australian study of genetic twins, some of whom were gay, proved homosexuality not genetic. Approval of homosexuality makes societies fail. Need to pass this bill. Information not presented about breakup of civil unions and marriages. Rights can be given by power of attorney.

Denise Patterson, Pittsfield - opposed

Jesus is Lord and Savior. Wants to have everyone included. Her heart left at the words of the Episcopal Minister. Everyone is included in her tent.

Herb Jackson, Alton - supports

Nine brothers 4 sisters, Eight children, 16 grandchildren. Legislators are planting seeds. Taught to respect authority. Legislators are appointed by God.

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Cheryle Arboleda, Concord - supports (Did not testify.)

1:454 pm



# Testimony

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**AL Baldasaro**

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**From:** d-mvc@comcast.net  
**Sent:** Tuesday, January 19, 2010 1:04 PM  
**To:** SR Baldasaro, AI  
**Subject:** Why the repeal of the Gay MARRIAGE ACT should go through.

Dear State Representative Al Baldarsaro,

I can not be in Concord on Wednesday, but please include and read my support for your bill for the repeal of the GAY marriage act.

I believe the gay marriage act is against the common and natural laws that have always govern New Hampshire, for instance The NH Supreme court has always defined marriage through the family court and subsequent appeals as "a man and a women who are married." rule 7 ensures they get a mandatory appeal. Consider this recent article on an unmarried couples plight.

<http://concordmonitor.com/apps/pbcs.dll/article?>

[AID=/20100110/FRONTPAGE/1100390/1001/NEWS01](http://concordmonitor.com/apps/pbcs.dll/article?AID=/20100110/FRONTPAGE/1100390/1001/NEWS01) when fighting for custody in Family Court and filing an appeal to the Supreme Court it does not recognize parties as a family that never married on more than a discretionary appeal NH rule 11, ensuring that the law should be repealed due to unsupported changes in all areas.

But even more compelling is that while the constitution might not blatantly recognize **marriage** as the union between a man and woman who are married. For all intents and purposes the State and Untied States as whole has recognized it as such throughout its history.

The case of Lawrence v. Texas 2003 WL 470066, United States Supreme Court Amicus Brief, best describes the impact of redefining marriage.

*...We do agree with Oxford legal philosopher Joseph Raz that "monogamy, assuming that it is the only valuable form of marriage, cannot be practiced by an individual. It requires a culture which recognizes it, and which supports it through the public's attitude and through its formal \*20 institutions." [FN26] The same univocal cultural and legal commitment is necessary to sustain marriage as the monogamous union of man and woman. Once marriage is no longer a bodily communion oriented towards procreation - which is to say, no longer the union of a man and a woman - then three or more persons could as readily constitute a marriage as could two. ...*

There are formal institutions that are not religious in nature who do not want to perform these types of marriages photographers, banquet halls, florists, bakerys just to name a few. Yet the bill currently implies that it does just that.

*...Marriage is, and has always been understood by our law to be, a bodily, two-in-one flesh union of persons. That is why it is impossible for two men or two women to marry: it is impossible for them to enter into bodily communion. Apart from this understanding of marriage, the legal requirement of consummation (which is only fulfilled by vaginal intercourse) is unintelligible. Apart from this \*18 understanding of marriage, there cannot be any sense in which marriage is characteristically procreative, or intrinsically ordered to having and raising children.<sup>[FN25]</sup>...*

*Furthermore in, FN36. Washington v. Glucksberg, 521 U.S. 702, 727, 728 (1997) (citations omitted).*

*Glucksberg is this Court's standing order on Due Process methodology. That case also established beyond doubt that fundamental rights do not arise from the urgency or intensity with which proponents advance their claims on behalf of them, from the asserted importance of the matter to them, or from any subjective basis at all. Rather, "the Due Process Clause specially protects those fundamental rights and liberties which are, objectively, 'deeply rooted in this Nation's history and tradition.'"<sup>[FN37]</sup> A glance at that history and tradition conclusively shows that there is no fundamental right to fornication, adultery, homosexual sexual acts, or to any other sexual acts apart from marriage.*

*FN37. 521 U.S. at 720-21 (citation omitted).*

*\*30 These same traditions and practices illumine the initial matter of "careful description" of the asserted fundamental interest.<sup>[FN38]</sup> The level of generality (or specificity) with which the right or interest is properly stated depends upon the categories and distinctions deemed relevant by history and tradition. The whole tradition establishes that, outside of marriage, no one has a constitutional right to the undisturbed pursuit of sexual intimacies with another. To borrow the Glucksberg Court's application of these criteria to the question of assisted suicide, it would "reverse centuries of legal doctrine and practice, and strike down the considered policy choices of almost every State" to hold otherwise.*

Most concernedly in all of this the **Citizens of New Hampshire** should be given the right to redefine their history, over their elected officials who blantly disclosed in public hearings -bias, personal reasons, unrelated to the majority of their constituents interests, for approving the same sex marriage act and ethically did not meet the needs of their constituents as they were voted in to do.

If it was a lawyer promoting their own interests over their clients they would be disbarred.

Let New Hampshire VOTE.

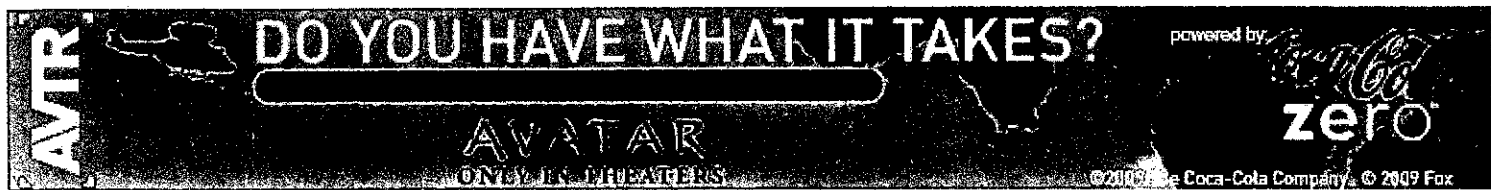
Sincerely,  
*Denise-Marie McIntosh*  
DMVC Productions  
603-566-8318  
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Article published on January 10, 2010

Portsmouth

## Unmarried couple's custody case hits snag

No automatic appeal in fight

By ANNMARIE TIMMINS  
Monitor staff

January 10, 2010

Janet Todd and James Miller met online in 1999 and by 2003 had two girls and the start of what would be among the most "tortured" custody fights in the Portsmouth family court.

For five years, they have exchanged allegations of sexual abuse and mental delusions, according to court records. This fall, after finding the two incapable of co-parenting, a marital master awarded Todd, of Hampton, primary custody and Miller "liberal" visitation.

Surprising no one, Miller, who lives in New York and wants the girls, ages 6 and 7, there, appealed to the state Supreme Court.

And there, Miller was surprised.

Because Miller, 51, and Todd, 43, never married, neither has the automatic right to an appeal. Miller is entitled only to a "discretionary appeal," meaning that he and his lawyer, Joshua Gordon of Concord, must persuade the court to hear their case.

The court declined to do that late last month.

Now, Gordon is asking the court to reconsider, partly on the grounds of discrimination.

"Treating the relationship between children and unmarried parents differently than the relationship between children of married parents is unlawful and unconstitutional," Gordon wrote the court.

Gordon cited a 2007 federal report that showed Miller and his girls are not alone: More than 31 percent of New Hampshire children were born to unmarried parents, the report said.

Todd's two lawyers, Elizabeth Olcott of Concord and John Carr of Boston, have until Thursday to object. Carr said they will.

"This has nothing to do with discrimination," Carr said. "It has to do with the attorney for the father looking for a second bite of the apple."

The New Hampshire Supreme Court greatly expanded the opportunity for appellate review in January 2004, when it announced it would take all direct appeals from the state courts.

For the 25 years prior, the justices had been screening each case and deciding whether it merited the high court's review. In 2002, for example, the court received 813 appeals but agreed to hear only 316, or 39 percent, of them, according to the court's media office.

Two years ago, the state Supreme Court amended the appeal process again, this time by reducing the number of domestic cases it would promise to consider. The court cited limited resources and a burgeoning family law caseload - too many cases involved ongoing disputes in divorces that justices had already decided.

Doreen Connor, a lawyer with Wiggin and Nourie in Manchester who's studied this issue, said the justices also disliked [concordmonitor.com/apps/pbcs.dll/arti...](http://concordmonitor.com/apps/pbcs.dll/arti...)

## Written Testimony Against HB1590

### *AN ACT repealing same-sex marriage.*

Rep. Timothy Horrigan (Strafford District 7); House Judiciary Committee; January 19, 2010

I urge the House to reject HB1590-FN. The marriage equality laws have been a success. I do not have an exact figure, but a significant number of same-sex couples have gotten married in New Hampshire since January 1st. That's a beautiful thing. The fact that so many couples are now happily married is reason enough to kill HB1590.

I am not married myself, but I think that the state has no business preventing same-sex couples from being married. Thanks to the new marriage equality laws, all couples are now free to follow their hearts. Thanks to the new marriage equality laws, all religious groups in the state are now free to follow their conscience. I know there are some religious groups who oppose gay marriage. There are others which approve of all marriages, and those groups have been performing commitment ceremonies long before Gov. Lynch signed marriage equality into law. They are now free to call those ceremonies what they always were: weddings.

At least two members of this House have gotten married since the marriage equality bills got passed. Both of them happened to be male. Rep. Michael Rollo was able to marry his longtime partner in October. (This was before he resigned to work as an aide to the State Senate.) He and his partner stood before their friends and family and promised to love and honor each other for the rest of their lives. After a simple ceremony, Mike and Caitlin Rollo were married. Rep. Robert Thompson, a member of this committee, had to wait till January to do the exact same thing.

Why did Rep. Thompson have to wait till January? Because Rep. Thompson and his partner Michael Jacobsen happened to be of the same gender, and therefore they had to wait till the new marriage equality laws became effective on January 1st, 2010. That wasn't exactly fair but it is infinitely less unfair than what will happen if HB1590 passes: HB1590 would repeal marriage equality altogether.

I see no reason why the state has any business denying Rep. Thompson a basic right which no one begrudges Rep. Rollo: the right to be married to the person you love. Love is good: the state should be in favor of it.

The fiscal note states that the bill will cost the state at least \$60,000, in a time of fiscal

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would no longer be taking place if HB1590 is passed. Nor does it include the cost of defending the lawsuits which would undoubtedly follow the enactment of HB1590. Even the basic \$60,000 is a lot of money to spend on a measure which solves no real problem and as far as I can tell is intended merely to send a message. If they just want to send a message, HB1590's sponsors ought to just go borrow the lobby of the LOB and hold a press conference— and be done with it. That would cost the taxpayers nothing while still sending a message. The cost alone is reason to kill this bill, a bill which is also grossly unfair and blatantly unconstitutional.

HB1590 goes beyond repealing gay marriage. It does not restore civil unions, which were a replacement for real marriage, giving some of the rights and responsibility of marriage though not all. Civil unions were an insult, but they were better than nothing— and during last year's "gay marriage" debate most of the opponents of marriage equality endorsed civil unions, though without much enthusiasm. A typical quote was: "The same sex people already have civil unions. Isn't that enough?"

HB1590 also takes away the religious protections in RSA 457:37 which currently allow all religious groups to freely decide who can or cannot be married in their places of worship. Finally, HB1590 flies in the face of a trend towards gender neutral language in our law books (and it might even be rendered meaningless in the event that CACR 32 passes.) The marriage law, like all other laws, should be about what you do— not about who you are or what gender you happen to be.

HB 1590 is a bad bill which if passed would cause many problems while solving no real problems at all. Please ITL HB1590.

---

Rep. Timothy Horrigan  
(Strafford County #7)  
7A Faculty Rd; Durham, NH 03824  
ph: 603-868-3342  
email: TimothyHorrigan@mac.com

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Article published Jan 18, 2010

## **Same-sex couples marry at Portsmouth's South Church MLK Day sermon calls for love and tolerance**

PORTSMOUTH — Three same-sex couples were married at the South Church Sunday, and members of the church's Universalist Unitarian congregation heard a morning sermon called "Standing on the Side of Love."

The sermon, which shares the name of a UCC organization that advocates for civil rights, called for honoring Dr. Martin Luther King Jr., respecting same-sex couples who want to marry and aiding earthquake victims in Haiti.

"It's a very special Sunday," said Rev. Elaine Beth Peresluha, the church's pastor, who delivered the sermon.

The same-sex couples were married Sunday afternoon, with their ceremonies coming after New Hampshire's law permitting gay marriage went into effect on Jan. 1.

The couples declined to be interviewed, but Julie Slayton Frank, a justice of the peace from Dover, said she was honored to join one of those couples in matrimony Sunday.

"It's one of the most joyous things that you can do," she said.

A couple she married Sunday afternoon had been together for eight years, and two women smiled with delight as they exchanged their vows.

"It's about the rights that we all deserve as humans," Slayton Frank said.

She said she also married two men on Sunday morning who had been together for 29 years and finally had the chance to legally mark their commitment as a civil marriage.

When she is able to say "by the power vested in me by the State of New Hampshire," Slayton Frank said, "It's a powerful thing."

She said the issue of gay marriage is also personal.

"We have a family member who is gay, and this has been a very personal struggle," she said.

During Sunday morning's service, Peresluha urged members of the congregation to join



her in Concord on Wednesday to voice support for the gay marriage law, which she said already is threatened.

A House committee is due to hold a hearing on the new law on Wednesday at 10 a.m. in the Legislative Office Building. She said she plans to be there to support same sex-couples who want to retain the right to marry.

According to the House calendar, the House Judiciary Committee will hold the hearing in Rooms 206 to 208. The bill, HB1590, sponsored by Rep. Alfred Baldasaro, R-Londonderry, seeks to repeal same-sex marriage.

Peresluha said fighting to keep the current law on the books is definitely part of the civil rights struggle King championed until he was assassinated in 1968.

"It is in our hands once again to stand up and show up on the side of love," Peresluha said.

During her service she also read several passages by and quotes from King, asking the congregation to say "Yes we can," a signature phrase of President Barack Obama's campaign, after each passage. One King quote Peresluha read was "Free at last. Free at last. Thank God Almighty, free at last!"

John Shea, principal of Spaulding High School in Rochester and a church member, spoke to the congregation about the difficult time he had four years ago when the oldest of his three daughters asked him why King was killed.

He said he told his daughter, Kayla, now 10, that he didn't know, but it was a horrible and terrible act committed by someone who was afraid of the equality and fairness King supported for all people, especially those of different skin color.

Shea said his daughter asked him, "Everything is OK now, right?"

He said he told her that everything is much better.

He told the congregation that he's old enough to remember the 1960s when King, President John F. Kennedy, Sen. Robert Kennedy and Malcolm X were all killed. His children are growing up in the shadow of the Sept. 11, 2001, terrorist attacks and the ongoing wars in Iraq and Afghanistan, he said.

Despite those things, he said, "I truly believe that things are getting better. We have our ups and downs, but things are trending upwards."

One day when his daughters grow up and have children who will ask them if everything is OK, Shea said he hopes they will "be able to look their kids in the eye, without hesitation, and say things are definitely better."

Sunday morning's service provided a chance for members of the congregation to stop and

reflect on the tens of thousands of people in Haiti who perished in last week's devastating earthquake.

Outside the sanctuary was a plastic tote asking for any medical supplies that could be sent to the Haiti.

Peresluha said the congregation chooses to stand on the side of love when it thinks about how best to help the people of Haiti, who have lost lives and homes and don't have enough food, water or medical supplies.

She reminded them that although the U.S. and many other nations are coming to Haiti's aid, there was a time when the U.S. and France, which formally controlled the island nation, went to great lengths to prevent Haiti from enjoying economic prosperity.

She said the Haitian people managed to become the first slave country in the world to declare their independence and form their own government when they broke away from France in 1790. But the U.S. and France went to great lengths to prevent Haiti from prospering throughout much of the 1800s, she said.

She added that those actions were "... not standing on the side of love."

She said many people often face tough choices when it comes to deciding what's best for them and others, and prayer helps people maintain the proper perspective when they weigh such decisions.

A separate offering to raise money for Haitian earthquake victims also was collected at the church.

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RE: HB 1590  
CACR 28

1-20-10

Dear Committee,

It was important to my partner Lynn and me to enter into a committed relationship prior to living together. I would be moving in with Lynn onto an educational campus with other families. The rules on campus for adults living together were that they had to be married and we didn't want any exceptions made for us. So we had a Holy Union, which is equal to marriage in my church, because Civil Union or state Marriage was not available at the time. We were accepted as a married couple on campus, with our individual families and community.

Lynn died in 2006. Even though we were married in our church, I had to mark single on her death certificate because it was a state document. Our Holy Union didn't count. I will never get over the pain of that lie. I ask that we keep marriage available so other families do not have to suffer the pain of lying about their family relationships on state documents.

Course there is always another option:

If Gays and Lesbians don't have equal access to equal rights offered through marriage their taxes should be reduced. But if we were to pass such legislation to reduce taxes for Gays and Lesbians then everyone would claim to be Gay or Lesbian.

Thank you

Melissa A. Weeks  
26 Summer St.  
Exeter, NH 03833  
772-3931  
maweeksuu@yahoo.com

1122 members of EP Diocese of NH

My name is the Reverend Dr. Eleanor McLaughlin, an Episcopal priest for the last 26 years, and prior to that a Professor of medieval and church history, at Wellesley college, and Andover Newton Theological School. My degree in history is from Harvard, where I focused upon the early and medieval Christian spiritualities. I retired a year and a half ago at 73 from being the Rector of St. Barnabas Episcopal Church in Berlin, but continue in priestly ministry as a Spiritual Director and in my studies and writing relating the church's Traditions to the spiritual yearnings of the present generation of Seekers.

+ wife Partner of 19 yrs.

I reside in Randolph NH with my now legally married Best Beloved Spouse, Dr. Elizabeth Hess, a Clinical Psychologist whose office is in Berlin, two Irish Water Spaniels, a Standard Poodle and one ancient outdoor cat.

I come before you to testify as a serious Christian, scholar and priest, as well as a student of secular history, reading daily the *New York Times*, to affirm my strongest support as a person of faith, and learning, that the Constitutional provisions separating the realms of government and religion as well as <sup>Decl of Indep</sup> guaranteeing the right to life, liberty and the pursuit of happiness continue to be acknowledged in the State of NH's legislative affirmation of the right of all citizens equally to enter into the civil contract of Marriage.

Civil Marriage, which from earliest times has been society's provision for the protection and passing on of property, assuring the economic stability necessary to provide for children, and with the requirement of free and conscious consent on the part of both parties, upholds the classic American value of individual choice and freedom to make one's way in life, without prejudice of race, religion or gender. Now to be sure, this is a new thing...My grandparents did not allow my 17 year old mother to marry my father because he was Jewish. Nor could President Obama's mother marry his father had he resided in many states of this Union. And Betsy and I had to wait 19 years of our life together before we could celebrate with the support of the Community and the Blessing of the Church, the Sacrament of Holy Matrimony subsequent to civil marriage on January 2 in St. Barnabas Church..

Why should Civil Marriage be available equally to all of age couples, heterosexual or gay, who seek the legal and public acknowledgement of their commitment? Recall how Sigmund Freud says of human life...two necessities, Love and Work. These commitments, are so important to being human that political communities as far as we have written records, made legal and contractual provision for both.

For work, our ancestors swore their loyalty to a Lord, a landlord, a Master craftsman and in return were given a set of legal safeguards, for the worker of the land, the craftsman's apprentice, or the legal contract into which we enter today as we take a job.

So also has society provided a legal framework for the economic and contractual stability afforded the human family in Marriage, though in the past the love about which so much is made today, often followed upon the faithful living out of the contract. What NH has done in acknowledging the public importance of marriage for all its citizens, is at once a new thing and at the same time, in complete continuity with the age old social wisdom of acknowledging the public importance of private intimacy. The Common Good is achieved by the contractual bonds which support the private virtues of companionship, cooperation and the sacrifices necessary for the nurture of the generations. Thus the State fulfills its responsibilities to the larger social fabric in providing the institutional safeguards for Love and Work.

Why did Betsy and I seek Marriage after 19 years of life together? We sought Civil Marriage because we are public people...each of us has given her life in ministry to our communities. It seems as important and good to mark our commitments to each other and our communities with this public act as it is to pay taxes and vote! But, far more important for us is the Sacrament of Holy Matrimony. We honor the separation of State from Church. *the* State has ~~no right~~ <sup>standing</sup> to be making theological judgments or defining marriage one way or another beyond the economic and contractual requirements of the civil order. The church defines the Sacrament and offers that Blessing of God to those whose first loyalty is not to the State but to God. Hence our civil rite took place at the door of the church...then, led by Crucifer and candles, we processed with familiar hymns to the altar, where in the midst of the People, and before God, our Bishop reheard and blessed our vows, our rings, and bound us with the sign of the yoke of Christ, his stole, as two Christian bodied souls, united in this life and in Christ, for life everlasting. *the* *Me, Her or the People or*

The State, in providing the space for the free exercise of religion, as established by our Constitution, has indeed acted in conformity to the Biblical command, render unto Caesar the things which are Caesar's, unto God the things which are God's. "...New Hampshire's acknowledging of the human right of every couple to establish a family is an act of justice; the Sacrament of the church, for those who desire God's blessing upon their vows, is an act of grace. Let not the State make unjust laws which would have the effect of inhibiting the free exercise of religion and violate the realm of Grace!

Eleanor McLaughlin+  
38 Nekal Lane  
Randolph, NH 03593

CACR 28

**NH Constitution [Art.] 5. [Religious Freedom Recognized.]** Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; **and no subject shall be hurt, molested, or restrained, in his peers on, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience;** or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship. (Emphasis added)

Saying that marriage between a man and a man, or a woman and a woman, does not change God's law, what it does do is confuse my kids. When I am trying to teach them about marriage and how it is sacred between a man and a woman.

It is hurtful, molested and restraining because it confuses more than kids especially as time goes on and our young people become adults and have had gay marriage as well as monogamous marriage their entire life, how do they sort out what they hear from what they see. It is also hurtful molested and restraining because this law will give kids and the younger generation growing up the proof they need that the legal system locally can speak for God and change his statutes as they feel.

I know that we do not like to bring up religion in the when making laws but this issue in particular is religious. Whether or not anyone wants to admit it we are forcing the religion of secularism down Christians throats.

If you want to give gays the right to get married then it should be called a civil union because, it is a right given by the local government and not by God.

Thank you for taking the time to read and consider this bill and submit that this is a bill that would hopefully be voted OTP.

Jennifer Daigle

Ruth A. Smith  
234 Southwest Road, Canterbury NH

Testimony in opposition to HB 1590: Repeal of Same-sex Marriage Law  
January 20, 2010

Good morning Representative Cote and members of the Judiciary Committee. I am Ruth Smith, of Canterbury NH and am here to represent myself and my partner of more than 20 years, Beth McGuinn. Beth has testified before this committee many times but because of work commitments could not be here today.

As a founding member of New Hampshire Freedom to Marry, let me start by thanking those of you who voted for HB 436 last year which has enabled loving and committed couples of the same gender to become legally married. Recalling the moment when Governor Lynch signed that bill and declared that marriage for same sex couples was now the law in New Hampshire still sends shivers down my spine. It is a law which many of us worked hard to achieve and which now must be defended and allowed to stand.

Beth and I made a public commitment to each other, at a ceremony presided over by our pastor and surrounded by 90 family and friends on October 2, 1993. On Oct. 2, 2010, the 17<sup>th</sup> anniversary of that, the most wonderful day of our lives, we plan to make our marriage legal. Though in the eyes of our community we have been married all of these years, and since the stroke of midnight on January 1, 2008 we have had a legally recognized Civil Union, we anxiously await our **wedding** day this fall. To be legally married is something we have dreamed of and worked towards for more than a decade.

It was special to gain the legal rights which came with our Civil Union, but we are not satisfied with a separate status, we want equal status, which the marriage law provides in New Hampshire. Marriage is an institution which means something in this society, and it means something to us. I fully expect that when our pastor declares us legally married, we will feel different, just as we did when our Justice of the Peace, Senator Harold Janeway, signed our Civil Union certificate.

Recently, a young friend of mine commented that I was so lucky that I could get "married" to the same person three different times and have three parties. But our upcoming marriage is more than just an excuse for another party. Marriage isn't just about the celebration. It's about the commitment, the community and societal support, and the opportunity to be recognized in a fundamental and equal way. We are thrilled to have this opportunity. I ask that you remain committed to marriage equality in this legislative session so that we may move forward with our wedding plans and put our energies toward other larger issues.

Please recommend this bill inexpedient to legislate.

Thank you.

Dear Chairman Cote and Honorable Members of the House Judiciary Committee:

I contact you today as a citizen of New Hampshire, a gay man partnered for 19 years, a father of a 10 year old, and an ordained pastor in the United Church of Christ. I ask you to stand on the side of justice and support Marriage Equality.

As our elected representatives you have the responsibility to uphold the dignity of all people and to ensure that all citizens of New Hampshire are treated with the same respect and are allowed equal access to the rights and responsibilities of citizenship. Dr Martin Luther King, Jr. said in "Where Do We Go from Here: Chaos or Community?" that "*Power at its best is love implementing the demands of justice. Justice at its best is love correcting everything that stands against love.*" The task at hand is to either stand on the side of justice which upholds the principles of love and value or to stand against them.

A vote against Marriage Equality says that my relationship of 19 years is not worthy of respect and unvalued. A vote against Marriage Equality says to our 10 year old daughter that her family does not matter and that she is a second class citizen of New Hampshire. She and we are denied the fullness of the rights and responsibilities of citizenship. A vote for Marriage Equality affirms New Hampshire's citizens their rights to justice and equal treatment regardless of sexual orientation.

I urge you to stand on the side of justice which does not limit access to equality but rather extends this to those who have been denied. I urge you to stand on the side of love, which strengthens community and honors the dignity of each person. I urge you to send a message that New Hampshire stands boldly and proudly as a beacon of affirmation, hope, respect and care for all citizens, those who have had access and those who have been denied.

Thank you for the opportunity to share my thoughts. I leave you with these words from Dr. King: "*Change does not roll in on the wheels of inevitability, but comes through continuous struggle. And so we must straighten our backs and work for our freedom.*"

Sincerely  
Rev. Carlos Jauhola-Straight  
Concord, NH



175 Quincy Road  
Longview farm  
Plymouth, New Hampshire 03264  
January 20, 2010

State of New Hampshire  
New Hampshire State House  
House of Representatives  
Concord, New Hampshire 03301  
Judiciary Committee

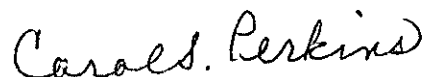
To Chairman David Cote and Members of the Judiciary Committee:

I am writing you concerning HB 1590, an act repealing same sex marriage or as I prefer, the NH full marriage equality law. I oppose any change in our new NH Marriage law which took effect on January 1, 2010. Giving full marriage equality in New Hampshire has been a wonderful step forward in our new decade. It would be sad to think that NH citizens would take away rights from citizens who live in long-term relationships based on love and respect, pay their taxes and contribute positively to our fine state in so many ways.

I ask that you find HB 1590 inexpedient to legislate.

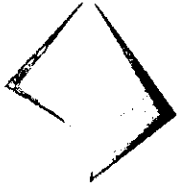
Thank you.

Sincerely,



Carol S. Perkins  
PFLAG NH\*

(Parents, Families and Friends of Lesbians and Gays - NH)



# NHRS

New Hampshire Retirement System

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January 20, 2010

Representative David E. Cote, Chair  
House Judiciary Committee  
Legislative Office Building, Rm. 206  
Concord, NH 03301

Dear Rep. Cote:

Attached please find the fiscal note worksheet prepared by the New Hampshire Retirement System (NHRS) for HB 1590, originally introduced as LSR 10-2069. Specifically, please direct your attention to the NHRS comments in sections E and F of the worksheet.

Those comments indicate that HB 1590, as introduced, would amend RSA 457 retroactively to January 1, 2010 to repeal all provisions permitting same sex marriages without reinstating RSA 457-A relating to civil unions.

HB 1590 does not address how NHRS and other state agencies should administer NH laws with respect to civil unions and same sex marriages that have already been legally entered into under NH law. Under current law, any individuals who were legally united in a civil union on/after January 1, 2009 may now have that union converted to a civil marriage that is also recognized under NH law and same sex couples may be united in a civil marriage under NH law on/after January 1, 2010. If enacted, HB 1590 would retroactively negate those civil marriages, without clarifying the rights, responsibilities and obligations under NH law following the dissolution of those marriages. Similarly, under current law, there are same sex civil union partners who legally entered into those unions under NH law and who, under current law, have an extended period in which to convert such unions into civil marriages or to have such unions automatically converted by operation of NH RSA 457. HB 1590 does not reinstate RSA 457-A regarding civil unions. Therefore, the status of the rights, including NHRS benefits, responsibilities and obligations of those currently united as civil union partners is not addressed under HB 1590.

Respectfully,

Timothy J. Crutchfield  
NHRS Chief Legal Counsel

**STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANT  
FISCAL NOTE WORKSHEET**

Date Sent to Agency: 11/16/09

LSR #: 10-2069.1

Agency: New Hampshire Retirement System

Bill #: \_\_\_\_\_

Due to LBAO: 12/2/09

Amendment #(s): \_\_\_\_\_

Correction to prior response? (Y/N): N

State Fund(s) Affected:

General: X Federal: \_\_\_\_\_ Other: \_\_\_\_\_

|                   | FIRST BIENNIUM |         | SECOND BIENNIUM |         |         |
|-------------------|----------------|---------|-----------------|---------|---------|
|                   | FY 2010        | FY 2011 | FY 2012         | FY 2013 | FY 2014 |
| State Revenue     | -0-            | -0-     | -0-             | -0-     | -0-     |
| State Expenditure | -0-            | -0-     | -0-             | -0-     | -0-     |
| Net State Impact  | -0-            | -0-     | -0-             | -0-     | -0-     |

|                    |     |     |     |     |     |
|--------------------|-----|-----|-----|-----|-----|
| County Revenue     | -0- | -0- | -0- | -0- | -0- |
| County Expenditure | -0- | -0- | -0- | -0- | -0- |
| Net County Impact  | -0- | -0- | -0- | -0- | -0- |

|                   |     |     |     |     |     |
|-------------------|-----|-----|-----|-----|-----|
| Local Revenue     | -0- | -0- | -0- | -0- | -0- |
| Local Expenditure | -0- | -0- | -0- | -0- | -0- |
| Net Local Impact  | -0- | -0- | -0- | -0- | -0- |

- NOTE: (1) List only the amount of change in the appropriate column.  
 (2) Place all negative numbers in parenthesis.  
 (3) You may replicate this worksheet.  
 (4) Refer to Guidelines for Fiscal Note Worksheets for further information.

- (A) **ASSUMPTIONS:** Explain how estimate was derived. Describe costs that can be absorbed without additional funding. If no estimate can be prepared, **explain why in detail.** If no fiscal impact, **explain why in detail.**

If enacted, this LSR would have no fiscal impact on NHRS employer contribution rates because it does not increase or decrease the number of individuals who qualify for NHRS membership. Unlike LSR # 10-2069.0, this proposed legislation would repeal same sex marriages but would not reinstate civil unions. See Items (E) and (F), below.

This proposed legislation would have no impact on state, county or local revenues.

- (B) **METHOD:** Show calculations used to determine fiscal impact. **Calculations must agree with and explain totals on first page.**

- (C) **ESTIMATED FISCAL IMPACT (from A and B):** **Estimated Fiscal Impact must agree with the totals on first page.**

**(D) ADDITIONAL COUNTY, LOCAL OR LONG-RANGE EFFECTS:**

**(E) TECHNICAL OR MECHANICAL DEFECTS:** Note any conflicts with existing law. Do not comment on the merits of the legislation.

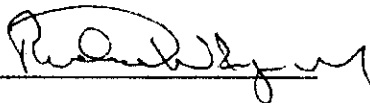
1. This proposed legislation would amend RSA 457 to repeal same sex marriage effective as of January 1, 2010. The legislation which recognizes same sex marriage, (2009) Chapter 59, is also effective as of January 1, 2010. Therefore, it appears that if LSR 10-2069.1 is to retain its proposed effective date, it should be effective as of 12:01AM on January 1, 2010.
2. If this LSR becomes law, it is likely that between January 1, 2010 and the date of enactment, individuals may have legally entered into same sex marriages in NH. The retrospective effective date of this proposed legislation appears to be problematic as it applies to those marriages. See Article 23 of the New Hampshire Constitution.
3. (2009) Chapter 59:9 repealed RSA 457-A relative to civil unions effective as of January 1, 2010. LSR 10-2069.1 does not address the status of civil unions which were legally entered into in NH or recognized under NH law between January 1, 2008, the effective date of (2007) Chapter 58, and January 1, 2010, the effective date of (2009) Chapter 59:9.
4. This LSR would repeal RSA 100-A:2-b effective as of January 1, 2010, given the issues raised in #1-3 above, it would appear that if RSA 100-A:2-b should remain in effect with respect to same sex marriages legally entered into or recognized under prior NH law; i.e., those entered into prior to the enactment of LSR #10-2069.1. Further, RSA 100-A:2-b as in effect prior to (2009) Chapter 59 may have to be reinstated with respect to civil unions entered into during the period described in #3 above. See, however, item (F) below.

**(F) OTHER COMMENTS:** Include tax variables, federal mandates, etc.

Rather than amend RSA 100-A:2-b every time an RSA is enacted/amended which conflicts with federal law, it might preferable to delete RSA 100-A:2-b in its entirety, amend RSA 100-A:2 such that its current provisions become paragraph I and then add a new paragraph II such as: "Notwithstanding the provisions of the Revised Statutes Annotated, in the event of a conflict with federal law, the retirement system shall follow federal law to the extent necessary to retain both its status as a qualified pension plan under section 401(a) of the Internal Revenue Code of 1986, as amended, (Code) and the tax-exempt status of the related trust under Code section 501(a)."

**AGENCY REPRESENTATIVE PREPARING WORKSHEET:**

Richard W. Ingram  
Name/Signature



Executive Director, NHRS, 410-3606  
Title, Agency and Phone Number

Date

12/2/09

STATE OF NEW HAMPSHIRE  
OFFICE OF LEGISLATIVE BUDGET ASSISTANTFISCAL NOTE WORKSHEETRoom 102, State House  
Concord, NH 03301  
(603) 271-3161  
FAX (603) 271-1097DATE: 11/16/09TO: BILL SPEAD 410-3505FROM: PAM ELLISTHIS TRANSMISSION CONSISTS OF 4 PAGES, INCLUDING COVER SHEETFISCAL NOTE WORKSHEET

Pursuant to RSA 14:44-14:47, please prepare a fiscal note worksheet for the accompanying LSR.

**REMEMBER: The title, contents and existence of this LSR are CONFIDENTIAL unless it is introduced as a bill and becomes a public document.**

If you have any questions about the preparation of the worksheet, contact Budget Analyst Gerard Murphy

A request for an extension in submitting your analysis must be made in writing to Jeff Pattison before the deadline. Thank you for your prompt attention.

LSR# 10- 2069.1 Redraft

Bill#: \_\_\_\_\_

Due to LBAO 12/2/09

**PLEASE USE STANDARD FISCAL NOTE WORKSHEET FOR REPLY**

<http://www.gencourt.state.nh.us/iba/indexbudget.html>

**If there has been a change in contact information please call 271-3161.**

Section 1 Header

2010 SESSION

10-2069.1  
09/03

HOUSE BILL *[bill number]*  
AN ACT repealing same sex marriage.  
SPONSORS: [sponsors]  
COMMITTEE: [committee]

**REDRAFT**

ANALYSIS

This bill repeals same sex marriage.

-----  
Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

LBA

removed everything  
relative to  
reestablishing  
civil unions.

## Section 2 Header

10-2069.1

09/03

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT repealing same sex marriage.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1       1 Marriage; Marriages Prohibited; Recognition of Out-of-State Marriages. RSA 457:1 -  
2 RSA 457:3 are repealed and reenacted to read as follows:
- 3       457:1 Marriages Prohibited; Men. No man shall marry his mother, father's sister, mother's  
4 sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter,  
5 father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's  
6 daughter, or any other man.
- 7       457:2 Marriages Prohibited; Women. No woman shall marry her father, father's brother,  
8 mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's  
9 son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.
- 10       457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the  
11 state of New Hampshire, which would not be prohibited under RSA 457:1 or RSA 457:2 if contracted  
12 in New Hampshire, shall be recognized as valid in this state for all purposes if or once the  
13 contracting parties are or become permanent residents of this state subsequent to such marriage,  
14 and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the  
15 state of New Hampshire which would be prohibited under RSA 457:1 or RSA 457:2 if contracted in  
16 New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire  
17 residents recognized as valid in the state prior to the effective date of this section shall continue to be  
18 recognized as valid on or after the effective date of this section.
- 19       2 Marriageable. Amend RSA 457:4 to read as follows:
- 20       457.4 Marriageable. No male below the age of 14 years and no female below the age of 13 years  
21 shall be capable of contracting a valid marriage ~~(that is entered into by one male and one female),~~  
22 and all marriages contracted by such persons shall be null and void. ~~[No male below the age of 18~~  
23 ~~and no female below the age of 18 shall be capable of contracting a valid marriage between persons~~  
24 ~~of the same gender, and all marriages contracted by such persons shall be null and void.]~~
- 25       3 Marriage; Solemnization of Marriage. RSA 457:31 is repealed and reenacted to read as  
26 follows:
- 27       457.31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as  
28 commissioned in the state; by any minister of the gospel in the state who has been ordained  
29 according to the usage of his or her denomination, resides in the state, and is in regular standing  
30 with the denomination; by any member of the clergy who is not ordained but is engaged in the  
31 service of the religious body to which he or she belongs, resides in the state, after being licensed



## Section 3 Header

- Page 2 -

1 therefor by the secretary of state; within his or her parish, by any minister residing out of the state,  
2 but having a pastoral charge wholly or partly in this state; by judges of the United States appointed  
3 pursuant to Article III of the United States Constitution; by bankruptcy judges appointed pursuant  
4 to Article I of the United States Constitution; or by United States magistrate judges appointed  
5 pursuant to federal law.

6 4 Solemnization of Marriage; Exceptions. RSA 457:37 is repealed and reenacted to read as  
7 follows:

8 457:37 Exceptions. Nothing contained in this chapter shall affect the right of Jewish Rabbis  
9 residing in this state, or of the people called Friends or Quakers, to solemnize marriages in the way  
10 usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis  
11 residing out of the state may obtain a special license as provided by RSA 457:32.

12 5 Reference Added; Marriage of Step-Children and Adopted Children. Amend RSA 5-C:46, II to  
13 read as follows:

14 II. The division shall issue a marriage certificate to an adopted brother and an adopted  
15 sister in the same family, unless they are also related biologically as specified in RSA 457:1 and  
16 RSA 457:2.

17 6 Repeal. The following are repealed:

18 I. RSA 100-A:2-b, relative to marriage.

19 II. RSA 457:31-b, relative to solemnization of marriage; applicability.

20 III. RSA 457:45, relative to civil union recognition.

21 IV. RSA 457:46, relative to obtaining legal status of marriage.

22 7 Effective Date. This act shall take effect January 1, 2010.

Howard L. Wilson  
57 Agony Hill Road  
Andover, NH 03216  
[stoneanarch@tds.net](mailto:stoneanarch@tds.net)  
603-735-5427

Judiciary Committee  
206-208 LOB January 20, 2010 10AM

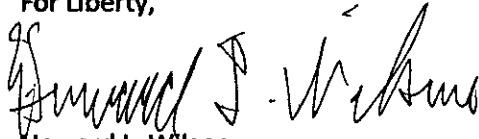
Re: HB 1590

I would agree to a bias, in favor of civil Union, vs the marriage controversy that same-sex marriage provokes.

Despite this, in a state where Live Free or Die is the least moderating premise, can not all 3 sides of the engagement/marriage argument, agree that to forgo, even the small amount derived from licensing fees, benefits no-one.. And that whatever any union is called, by whoever joined, is a positive benefit to the state?

HB 1590 is a return to a more bigoted era, despite complaint from the contrary individuals, promoting HB 1590. And, as such should be considered as Inexpedient to Legislate.

For Liberty,

  
Howard L. Wilson  
Libertarian for US House, 2<sup>nd</sup> district

Margaret Drye  
PO Box 3  
Plainfield, NH 03781  
603-675-9159  
January 20, 2010

House Judiciary Committee  
Legislative Office Building  
Concord, NH 03301

Re: HB 1590 & CACR 28

To the members of the Committee:

The state of New Hampshire ought to be in mourning because last year, in the rush to pass some kind of marriage bill, we killed the legislative process.

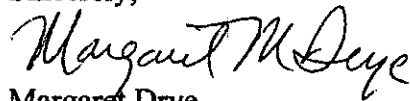
Throughout last session, I watched the legislature run roughshod over time allotted to testify (both on the floor and in committee), play fast and loose with amendments, violate Senate rules, and, in the most egregious manner, kick a dissenting member off a committee of conference and replace her with one who would play ball, *by telephone*, no less. (see attached *Valley News* article)

This is not about something trivial like where public launch spots should be on New Hampshire lakes; this is about redefining a cornerstone of society. It should not be done by amending unrelated bills on the floor of the legislature.

Yes, we should let New Hampshire vote on such a milestone. But, before we do, we should follow the legislative process and let New Hampshire *speak*.

Please support HB 1590 & CACR 28.

Sincerely,



Margaret Drye  
Plainfield

# PROCESS SUFFERS IN RUSH TO GAY MARRIAGE

MARGARET DRYE

For the Valley News

EVER WATCH a young child play a board game, like Parcheesi? Many times, if the roll of the dice doesn't go his way, the child may fuss or cajole or bend the rules in order to get to roll again, hoping for a better outcome. Watching the New Hampshire Legislature's handling of the same-sex marriage question has been reminiscent of watching such a child. In the absolute rush to get some kind, *any* kind, of same-sex marriage bill passed this session, the Legislature has chosen preference over parity and substituted politics for process.

The original bill, HB 436, called for genderless marriage and would have redefined as genderless in our laws many of the terms relating to family, such as "man," "woman," "husband" and "wife." As the House deliberated on the bill, a three-minute time limit was suggested for testimony. Video of the proceedings shows an opponent of the bill being interrupted and warned that her time was nearly up. Right after that, Rep. David Pierce, D-Etna, recounting his experiences as he and his partner adopted two children, was allowed to hold sway, uninterrupted, for not three, not five, not 10, but more than 20 minutes! His testimony was compelling, but one wonders how compelling he would have been if he had been gaveled down at three minutes, or if opponents of the bill could have had the same uninterrupted stage.

His speech seemed to be for naught, anyway, because the bill initially failed by one vote, 183-182. That was a vote on a motion to pass it as amended — so it didn't die, it just didn't pass. Follow? In the next 15 minutes of the session, an attempt to table it failed, an attempt to kill it outright failed, and a vote to reconsider the issue passed. When brought before the same body minutes later, four legislators had miraculously changed their votes and the bill passed.

In the Senate, the bill received a negative committee recommendation, and was amended on the floor. It no longer redefined gender terms, but repealed and replaced an entirely different section of the statutes, in the process differentiating between civil and religious marriage. A bill amended on the

floor never gets a public hearing. Thus, an entirely new concept was introduced and the fine points of the new legislation never got public scrutiny. It passed, the House concurred the next week, and the public never had a chance to weigh in on the significantly revised bill.

On the same day the House was concurring with the new HB 436, a bill about mileage reimbursement was quickly making its way through the Senate. Along the way, HB 310 picked up an amendment about the rights of Jewish rabbis and Quakers to solemnize marriages in their usual way, even though Senate Rule 23 explicitly states: "No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane."

There was nothing germane to mileage reimbursement in this amendment, by any stretch of the imagination. The amendment addressed the portion of the law being changed by HB 436, amending what was about to be passed there. The end of HB 310 has a contingency section that says the amendment only becomes law if HB 436 passes. How the vote in the Senate was conducted just proves the amendment wasn't germane — it agreed to vote on HB 310 as two separate pieces, the original bill and the amendment. Of course, the new twist on HB 310 had no public hearing, since it was amended from the floor.

After both chambers passed HB 310 in the same day, the governor weighed in. He announced that he would veto the gay marriage bills if the Legislature did not include specific language protecting religious associations and institutions; he then included the specific language he desired.

Religious liberty is one of the founding principles of our nation. This aspect of the whole same-sex marriage issue was given 15 minutes of public hearing in the Senate. Once again addressing the same section of law as the previous bills, the Senate adopted Gov. Lynch's prerequisite. In the House, the bill failed, 188-186, but wasn't killed. A new vote sent it to a committee of conference.

This is where the most egregious treatment of the issue took place. A bill goes to a committee of con-

ference to work out differences in the versions passed by the House and the Senate. The compromise version needs a unanimous vote by all seven members of the conference committee to continue on the course to acceptance. It can also die there if there is no unanimity. The Senate appointees included two Democrats and one Republican. By the end of a two-hour session last Friday, two amendments had been offered and rejected, a minor word substitution and an opening sentence had been accepted, but the committee was faced with a 6-1, non-unanimous vote.

Instead of the bill dying right then and there, Sen. President Sylvia Larsen, in a display of raw senatorial power, pulled the "No" vote from the committee and substituted Sen. Matthew Houde, D-Plainfield, who voted *by phone* for the amendment. The-Bill-That-Cannot-Die now goes to both the Senate and the House tomorrow.

Passing legislation is often equated with making sausage — people might enjoy the final product but probably wouldn't like to know what went into its making. The legislative process can be complex, but that's OK, because legislators should be crafting good legislation that can stand the test of time. One of the most unusual aspects of the New Hampshire Legislature is that every bill gets a public hearing; it may not get a favorable recommendation, but it still gets to go to the floor for a vote.

In perhaps one of the most divisive and controversial issues faced this session, the section of law about to be changed would be changed by language that has not had a public hearing and has had to be fiddled with by two subsequent bills. This is not how good law is crafted. It smacks of back-room brokerings and blatant misuse of power. Deliberative public scrutiny has been circumvented, and the rules of the Legislature violated. This legislation did not get to where it is today in an honorable way. If it passes tomorrow it may be historic, but it won't be a proud moment for the legislative process.

Margaret Drye lives in Plainfield and occasionally contributes to this page.

VALLEY NEWS 6/2/09

**Statement by Janson Wu, Esq.**  
**Before the House Judiciary Committee in Opposition to HB 1590-FN,**  
**An Act Repealing Same Sex Marriage,**  
**And in Opposition to CACR 28, Relating to the Definition of Marriage**

Honorable Chairman Cote and Members of the Committee:

I am a staff attorney at Gay & Lesbian Advocates & Defenders (GLAD), a New England-wide public interest legal organization dedicated to ending discrimination based on sexual orientation, HIV status, and gender identity and expression. I submit this testimony in strong opposition to HB 1590-FN and CACR 28.

Gay and lesbian families began marrying in New Hampshire on January 1 of this year, and with those marriages, they have experienced the joy and security that only marriage can bring to a family. These couples share the same love, commitment and responsibility in taking care of each other as any other family. They also seek the same thing all New Hampshire residents do – to protect their families and children to the greatest extent possible.

New Hampshire has a strong tradition of not overturning equality and taking away protections from families. New Hampshire also has never put the civil rights of its citizens up for a vote before. It should not start now for the following reasons:

- 1. HB 1590-FN would take away rights from families and overturn equality in New Hampshire, by depriving same-sex couples of the ability to protect their families through marriage or civil unions.**

HB 1590-FN goes above and beyond the repeal of marriage rights for same-sex couples; it also fails to reinstate the civil union law that New Hampshire passed in 2007. As such, HB 1590-FN not only takes away same-sex couples' right to marry, but also strips away all of the protections and rights that same-sex couples and their families have been able to access and enjoy for the last two years in New Hampshire through civil unions. Should HB 1590-FN be enacted, some of these protections, responsibilities, and rights that would no longer be available, either through marriage or civil unions, include:

**Medical/Health/Illness -- Without Marriage or Civil Unions:**

- Lesbian and gay couples are not automatically entitled to medical decision-making powers and hospital visitation rights when his/her partner falls ill;<sup>1</sup>
- Protections for families of crime victims, including the right to notice and information,<sup>2</sup> to testify at sentencing and parole hearings,<sup>3</sup> and to receive mental health services<sup>4</sup> are not available to a same-sex partner; and

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<sup>1</sup> N.H. Rev. Stat. §137-J:1 (durable power of attorney for health care).

<sup>2</sup> N.H. Rev. Stat. §§169-B:35-a; 264:26.

<sup>3</sup> N.H. Rev. Stat. §§651:4-a; 651-A:11, 11-a; *see also* N.H. Rev. Stat. §263:56 (license revocation hearing).

<sup>4</sup> N.H. Rev. Stat. §651:62.

- Lesbian and gay couples lack access to family health and auto insurance policies.<sup>5</sup>

Death -- Without Marriage or Civil Unions:

- Surviving lesbian and gay partners are denied automatic inheritance rights,<sup>6</sup> along with spousal preference for administering the estate<sup>7</sup> and taking care of a loved one's remains,<sup>8</sup>
- The surviving same-sex partner is not entitled to protections such as taking a forced share of the estate;<sup>9</sup> staying in the family home through transition protections;<sup>10</sup> receiving allowances from the estate to meet current expenses;<sup>11</sup> and being allowed to retain personal effects,<sup>12</sup> personal property of sentimental value<sup>13</sup> and the right to drive the family car;<sup>14</sup>
- Partners of police officers and firefighters who are killed on the job do not have access to line of duty benefits;<sup>15</sup>
- Gay men and lesbians do not have standing to bring claims of wrongful death<sup>16</sup> or loss of consortium<sup>17</sup> when a loved one's death results from wrongdoing.

Divorce -- Without Marriage or Civil Unions:

- Lesbian and gay couples are not entitled to legal protections upon the dissolution of their relationship,<sup>18</sup> such as equitable division of property based on both parties' contributions to the relationship,<sup>19</sup> access to counseling services<sup>20</sup> or training programs,<sup>21</sup> or the possibility of partner support.<sup>22</sup> If the couple has children, there is no automatic system for deciding on adequate child support as well as custody and visitation based on their best interest.<sup>23</sup>

<sup>5</sup> N.H. Rev. Stat. §§ 21-I:26 (group insur.); 415:5 (accident and health insur.); 100-A:52 (retiree medical benefits); 407-B:3 (motor vehicles); 415:21 (catastrophic loss insur.); 420-A:1 (health insur.).

<sup>6</sup> N.H. Rev. Stat. §561:1.

<sup>7</sup> N.H. Rev. Stat. §553:2.

<sup>8</sup> N.H. Rev. Stat. §§290:11, 16; 611:14.

<sup>9</sup> N.H. Rev. Stat. §560:10.

<sup>10</sup> N.H. Rev. Stat. §§ 167:14, 16-a (limitation on execution of lien); 480:3-a (homestead right), 6-a (no devise of homestead).

<sup>11</sup> N.H. Rev. Stat. §560:1-2.

<sup>12</sup> N.H. Rev. Stat. §611:16.

<sup>13</sup> N.H. Rev. Stat. §554:5.

<sup>14</sup> N.H. Rev. Stat. §261:17, 20.

<sup>15</sup> N.H. Rev. Stat. §102:17 (firefighters); 103:15 (policemen); 402:67 (fireman's aid).

<sup>16</sup> N.H. Rev. Stat. §556:12.

<sup>17</sup> N.H. Rev. Stat. §507:8-a.

<sup>18</sup> N.H. Rev. Stat. §491:7 (probate jurisdiction)

<sup>19</sup> N.H. Rev. Stat. §458:16-a.

<sup>20</sup> N.H. Rev. Stat. §§167-B:1, 458:7-b.

<sup>21</sup> N.H. Rev. Stat. §275-D:1.

<sup>22</sup> N.H. Rev. Stat. §§458:19; 458-B:1.

<sup>23</sup> See, e.g., N.H. Rev. Stat. §§ 458:17-a; 458-A:2; 460:14, 19

### Economic Stability -- Without Marriage or Civil Unions:

- A same-sex partner of a worker injured or killed is not entitled to dependency benefits from the worker's compensation system or accidental death benefits from the retirement system;<sup>24</sup>
- Gay men and lesbians retiring under the New Hampshire Retirement System cannot provide their pension to their surviving same-sex partner, though married retirees can;<sup>25</sup>
- Same-sex couples cannot obtain tax and homestead exemptions available under New Hampshire law to the same extent as married couples;<sup>26</sup>

### Parentage – Without Marriage or Civil Unions:

- A lesbian partner is not automatically deemed to be the parent of the child born to her partner<sup>27</sup> and cannot currently participate in a second parent adoption with her partner.<sup>28</sup>

### Responsibilities of Marriage and Civil Unions:

- Couples in a marriage or civil union are responsible for each other's support as well as the necessary debts of their spouses, including medical bills.<sup>29</sup> In addition, when a woman in a marriage or civil union gives birth, her spouse is automatically responsible for child support.<sup>30</sup>
- Once two people enter into a marriage or civil union in a civil ceremony, they cannot undo that legal relationship without first obtaining the state's permission.<sup>31</sup> The commitment to remain legally bound, and the stability and continuity that provides for families and society, is the major reason why the government provides married couples with extensive legal, social, and economic protections.

## **2. HB 1590-FN creates confusion by establishing different classes of marriages and civil unions for same-sex couples in New Hampshire.**

HB 1590-FN would create legal confusion and chaos by creating different classes of marriages and civil unions for same-sex couples. For example, marriages of same-sex couples recognized as valid prior to the effective date of this legislation would remain valid, while marriages of same-sex couples who enter into New Hampshire after the effective date of this legislation would not be valid or recognized by New Hampshire.<sup>32</sup>

For couples who initially entered into a civil union, whether they remain in a legally recognized relationship depends on several factors. First, if they entered into a New

<sup>24</sup> N.H. Rev. Stat. §§100-A:8, 281-A:2.

<sup>25</sup> N.H. Rev. Stat. §§100-A:5,13; 102:16 (Firemen's Retirement System).

<sup>26</sup> N.H. Rev. Stat. §§72:1, 36-a,39-a, 529:20-a,

<sup>27</sup> N.H. Rev. Stat. §168-B:3. Compare N.H. Rev. Stat. §168-B:4, 9 (rights to husband of surrogate).

<sup>28</sup> N.H. Rev. Stat. §170-B:4.

<sup>29</sup> N.H. Rev. Stat. §§126-A:36, 165:19, 167:2, 167:28; 546-A:2, 639:4.

<sup>30</sup> N.H. Rev. Stat. §168-B:3.

<sup>31</sup> N.H. Rev. Stat. §458:7-7-a (grounds for divorce); 645:3 (adultery).

<sup>32</sup> See HB 1590-FN § 1 (amending NH RSA 457:3 to include: "Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section").

Hampshire civil union and converted that civil union to a marriage prior to the effective date of this legislation, presumably that marriage would remain valid and recognized in New Hampshire under the language of HB 1590-FN.<sup>33</sup> However, if they had not yet converted their New Hampshire civil union a marriage, then that civil union would have no legal effect in New Hampshire, because HB 1590-FN fails to reinstate the civil union law passed in 2007, which mandated that all civil unions be treated the same as marriages in New Hampshire.<sup>34</sup> Finally, couples who have out-of-state civil unions, such as from Vermont, would not receive any legal recognition because HB 1590-FN repeals NH RSA 457:45,<sup>35</sup> which formerly mandated that out-of-state civil unions be treated the same as marriages in New Hampshire.

Such a multi-tiered system would create legal confusion and uncertainty for New Hampshire's state and local governments, employers, and private business. It would threaten the a child's legal relationship with her same-sex parents, who may have relied upon their marriage or civil union to establish a parent-child legal relationship.<sup>36</sup> And it would wreak havoc on our judicial system, who must then determine what legal effect to give to these different tiers of recognition to the relationships of same-sex couples.

**3. It is wrong to vote on rights. CACR 28 undermines New Hampshire's uniquely representative government and would allow outside special interests to distort New Hampshire's democratic process.**

The citizens of New Hampshire enacted a state constitution that mandates a representative form of government, where the people have a say in the political process through their elected representatives. The constitution also gives legislators a key role in the constitutional amendment process. Before the people can vote on a proposal, legislators must evaluate, deliberate and approve it. In fact, under N.H. Constit. Part 2, Art. 100, no proposal to amend the constitution ever reaches the ballot box until a supermajority of the legislature (three-fifths of the House and Senate)<sup>37</sup> gives the measure its legislative stamp of approval.

Because constitutional amendments must be proposed by the Legislature and then ratified by popular vote, the people and the legislature each play a role. When the legislature fails to carry out its constitutional role, the citizens of New Hampshire are harmed. Not every action taken by the legislature can or should go to a popular vote of the people. For that reason, the legislature has a responsibility to deliberate and decide which measures are appropriate to go to a popular vote.

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<sup>33</sup> Id.

<sup>34</sup> See NH RSA 457-A:6 (repealed by 2009, 59:9).

<sup>35</sup> HB 1590-FN § 6(III).

<sup>36</sup> For example, under the marital presumption of parenthood in New Hampshire, both parties of a same-sex couple would be presumed to be the legal parent of a child born to one of the parties, provided that the couple is in a civil union or marriage. See N.H. Rev. Stat. §168-B:3. Many families depend on that legal presumption of parenthood in organizing their lives and families. However, were New Hampshire to take away any recognition of civil unions in the state, those families and their children would become vulnerable should their legal bonds ever be questioned.

<sup>37</sup> Part 2, Art. 100 also provides an alternate method of approval by a supermajority of delegates to a constitutional convention that has been called by the legislature and the people.



**a. The Basic Right to Equal Treatment Under Law Should Not Be Determined By a Majority Vote.**

When civil rights of a few are put to popular vote, there is great opportunity for the majority to run roughshod over the minority. As James Madison warned in the Federalist Papers: "If a majority be united by a common interest, the rights of the minority will be insecure."<sup>38</sup> Because lesbians and gay men are subject to stereotyping, prejudice, and outright discrimination, this is an unsound way to decide a fundamental matter of public policy with a significant impact on the daily lives of our fellow citizens. Rather than uniting community members in democratic debate and mutual respect, popular votes on gay rights often inflame prejudices and leave communities even more divided.<sup>39</sup> The legislative filtering system is designed to protect against this outcome.

**b. New Hampshire's House of Representatives is Sized To Represent the Voice of the People.**

With 400 representatives, New Hampshire's House is the largest state legislative body in the United States and is the third-largest parliamentary body in the English-speaking world.<sup>40</sup> Consistent with the desire of our framers to keep the government close to the people, New Hampshire's House has the lowest citizen-to-legislator ratio compared to other states' lower legislative chambers.<sup>41</sup> New Hampshire's citizens, acting through their legislature, have set a strong course for representative self-government.

**c. Direct Voting May Distort the Actual Will of the People.**

As other states have proved time and again, ballot questions give undue influence to outsiders and monied special interests. There is little doubt that outside money will flood into New Hampshire to manipulate the views of the New Hampshire populace on CACR 28 with base slogans that oversimplify the question and mislead the public. Moreover, ballot questions only reflect the views of those who vote at a particular election, which may not be representative of the populace as a whole, particularly with an emotional measure that disproportionately attracts voters with strong feelings about the proposal.<sup>42</sup>

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<sup>38</sup> The Federalist No. 51, at 323 (James Madison) (Clinton Rossiter ed., 1961).

<sup>39</sup> While related to a different context, in California in 1986, petitioners gathered enough signatures to put Proposition 64 on the ballot, which would have required all people with HIV and AIDS to be quarantined. "Reforming Direct Democracy: Lessons from Oregon," 93 Cal. L. Rev. 1191, 1212 (2005).

<sup>40</sup> See generally <http://www.gencourt.state.nh.us/house>

<sup>41</sup> Based on 2005 population estimates of the U.S Census Bureau available at <http://www.census.gov/popest/states/tables/NST-EST2005-01.xls> and <http://www.ncsl.org/default.aspx?tabid=13527>.

<sup>42</sup> See, e.g., P. Michael Juby, "Tax Increment Financing in North Carolina: The Myth of the Countermajoritarian Difficulty," 83 N.C. L. Rev. 1526, 1538 (2005) ("Because parties typically offer little information and assistance to voters evaluating a ballot measure, the influence of special interest groups becomes magnified.").

**d. A Thumbs-Up/Thumbs-Down Popular Vote is No Substitute for Meaningful Legislative Deliberation.**

As James Madison also noted in the Federalist Papers, legislators “refine and enlarge the public views” held by voters.<sup>43</sup> The legislative process reduces the dangers of manipulation, misunderstanding or misguided and unworkable policies, through information-gathering, deliberation, compromise and consensus-building. As one prominent constitutional scholar has noted, “debates among representatives promote a better considered position on legislation, leading either to its enactment in an improved form or its defeat.”<sup>44</sup> If consensus does not emerge, the legislative door remains open in the future.

In contrast, the ballot box is all about numbers. Unlike legislators, voters take no oath to guarantee the constitutional protections of all; they aren’t able to engage in the same information-gathering and deliberation process; and they cannot compromise, but must vote yes or no.<sup>45</sup> Critical protections are lost when the Legislature does not fulfill its constitutional obligation to weed out unsound proposals.

For all of these reasons, please oppose overturning equality and taking away protections from New Hampshire’s families by voting inexpedient to legislate on HB 1590-FN and CACR 28.

January 20, 2010

Submitted by:

Janson Wu, Esq.  
Staff Attorney  
Gay & Lesbian Advocates & Defenders  
[jwu@glad.org](mailto:jwu@glad.org)

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<sup>43</sup> The Federalist No. 10, at 82 (James Madison) (Clinton Rossiter ed., 1961).

<sup>44</sup> Mark Tushnet, “Fear of Voting: Differential Standards of Judicial Review of Direct Legislation,” 1996 Ann. Surv. Am. L. 373, 374 (1996).

<sup>45</sup> “Reforming Direct Democracy: Lessons from Oregon,” 93 Cal. L. Rev. 1191, 1228 (2005) (“One of the problems with initiatives is that they offer voters an easy up-or-down choice, rather than forcing voters to consider all of the impacts of their decisions.”).

Testimony of Jeffry Burr & Neil Blair of Franconia, NH

In opposition to House Bill 1590

January 20, 2010

Representative Cote and members of the Judiciary Committee, thank you for the opportunity to speak to you today...

My name is Jeffry Burr and this is my husband, Neil Blair... we are 6 year residents of Franconia, NH.

We have been in a loving, committed relationship for nearly 10 years.

Though not legally recognized, we celebrated our commitment to each other in a special ceremony, in June 2006, with our children, family, friends and our community of Franconia.

We were one of the first couples to obtain a civil union on Jan 1<sup>st</sup>, 2008. And we were excited about the opportunity to have some sort of legal status as a couple in the State.

We were finally married on Jan 1, 2010 in a civil ceremony and now are an equal married couple in the State of NH.

Like many other married couples, Neil and I own a home and have a mortgage.

We have jobs and pay our taxes.

We pay for health insurance premiums, car payments and experience challenges with meeting living expenses.

We have 2 teenaged children who are dependent on us for love, guidance and financial support.

We participate happily in our community.

We have elderly parents that we love, support and care for.

In other words, we are not different. We are just like other married couples in NH. We deserve the same rights, responsibilities and obligations as any other married couple in NH.

For the first time, in our 10 years together, we are able to be recognized legally as a couple. We are not separate, or less than. We can walk down the street with the same pride and recognition, that all other married couples enjoy. People understand what married means.

We are grateful to the NH Legislature for choosing and legalizing love, commitment, equality and fairness instead of hiding behind fear, difference and discrimination. Equality is fundamental to our States history, our US Constitution and all of our futures.

Marriage for all couples is equal. We are saddened to have to be here to defend and justify our legal marriage, less than three weeks after our marriage and two days after our countries Civil Rights Day celebration.

Overturing the fundamental civil right of marriage equality in NH is simply wrong.

Thank you for hearing our experience and please protect our equality in New Hampshire by recommending this bill inexpedient to pass.

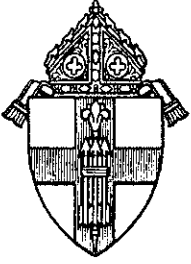
Respectfully submitted,

Donald Neil Blair

Jeffry T. Burr

485 Easton Road

Franconia, NH 03580



**Diocese of Manchester**

Diane Murphy Quinlan, Esq.  
Chancellor

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January 20, 2010

Representative David E. Cote, Chair  
House Judiciary Committee  
Legislative Office Building  
Room 208  
Concord, NH 03301

Re: HB 1590 (repeal same sex marriage)

Dear Representative Cote:

As Chancellor of the Roman Catholic Diocese of Manchester, and on behalf of Bishop John McCormack, I want to register our support for HB 1590, which would repeal same sex marriage in New Hampshire.

As you know, we have consistently opposed the same sex marriage initiatives, including last year's legislation which led to the creation of same sex marriage in this state. It is our belief that that law is inconsistent with what thousands of years of human civilization show us, and that marriage is not something which can entered into by two persons of the same gender.

Marriage is not merely a private institution. It is the foundation of the family, which as been, and ought to continue to be, the bedrock of every human society. Male-female complementarity is essential to marriage, as it makes possible authentic union and the generation of new life. No other relationship symbolizes life and love as marriage between a man and a woman does. Justice requires that marriage as the union of one man and one woman be restored and protected.

Last year's legislation, by the narrowest of margins, overturned thousands of years of moral outlook of Western civilization and affected the fundamental building block of our society. The law was wrong when it was passed last year, and it continues to be wrong. Therefore, we support the passage of HB 1590.

Thank you for your service to the people of the State of New Hampshire.

Very truly yours,

Chancellor



# State of New Hampshire

## HOUSE OF REPRESENTATIVES

Legislative Office Building, 33 North State Street  
Concord, NH 03301-6328

TEL: (603) 271-3184  
TDD Access: Relay NH 1-800-735-2964

## COMMITTEE ON JUDICIARY

February 16, 2010

The Honorable Terie Norelli  
Speaker, New Hampshire House of Representatives  
The Honorable David Cote  
Chairman, House Judiciary Committee  
107 North Main Street  
Concord, New Hampshire 03301

Dear Speaker Norelli and Chairman Cote,

During the executive session on House Bill 1590, I made a statement concerning the curriculum within the Nashua school system that I believed to be true. Upon inquiry from the Speaker, I repeated the statement. This statement made in the Judiciary Committee has caused some controversy, so I went back to my source for the statement to verify the information that I received. I found that I could not confirm the accuracy of the information.

I am compelled by the fact that this statement cannot be verified to withdraw the comment that I made in committee last Tuesday concerning the Nashua schools. I was told shortly before the hearing on HB1590 that what I later said had happened and I firmly believed it to be so. It is for that reason and because of its relevance that I brought it up to the committee. I would have never said anything in the performance of my duties as a state representative that I did not believe was true and relevant.

I am presenting this letter at the first Judiciary Committee meeting since last Tuesday. I do so at this earliest opportunity in order to make clear that I am withdrawing what I said concerning the Nashua Public Schools.

I would like to apologize to the Judiciary Committee, the Nashua Public Schools and its employees, and the Speaker, as well as anyone else affected by what I said. I will try much harder in the future to verify fully my statements.

Mr. Chairman, I would very much appreciate your including a copy of this statement in the file on HB1590 so that someone looking at the file would not build upon my misunderstanding and would understand my statement was inaccurate.

Sincerely,

*Representative Nancy Elliott*

Representative Nancy Elliott

*Betsy and Ellie  
St. Barnabas Church  
Berlin, New Hampshire  
January 2, 2010*

*Ruth said, "Entreat me not to leave you  
or to return from following you; for  
where you go I will go, and where you  
lodge I will lodge; your people shall  
be my people, and your God my God;  
where you die I will die, and there will  
I be buried."*

PCM506 Ruth and Naomi  
The Printery House, Conception, MO 64433  
c/ Monastère des Bénédictines & CHOISIR







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**Keryn Bernard-Kriegl, MS**  
Executive Director

10 Ferry St., Suite 315  
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**[www.nhctf.org](http://www.nhctf.org)**

***Please consider 2010 sponsorship opportunities:***

- **Unsung Hero Awards ceremony (February)**
  - With the governor honoring parents
- **Smith Award for Excellence in Service to Families (May)**
  - Celebration honoring nonprofit leadership

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can help*



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Prevent Child Abuse  
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## *20 Ways to Say "I Love You" to Your Child*

Listen! Listen! Listen!

Say, "I'm proud of you."

Welcome your child's friends.

Set boundaries that keep them safe.

Acknowledge their feelings.

Give clear expectations.

Say, "I'm sorry" when wrong.

Hug often.

Explain why you are angry.

Catch your child being good.

Do things they like together.

Praise more; criticize less.

Implement consequences consistently.

Make free time.

Allow mistakes.

Be excited when you see them.

Create a tradition with them, and keep it.

Keep the promises you make.

Let them act their age.

Say "I love you" everyday!

## *Tips to Reduce Parenting Stress*

**Breathe.** Take a deep breath. Then remember you are the adult.

**Visualize.** Close your eyes and imagine you are hearing what your child is about to hear.

**Count.** Press your lips together and count to 20. Or better yet...50.

**Give your child time and space to cool off.** Let your child know that when she is out of control she'll be asked to go to her room. Quietly playing is okay; screaming or pounding the door is not.

**Time out for you.** Remove yourself from the situation. Say, "I need some time alone." Think about why you are upset. Is it your child? Or is your child simply a convenient target?

**Connect.** Phone a friend. Talk to a friendly neighbor.

**Take a break.** If someone can watch the children, go outside and take a walk.

**Nurture yourself.** Take a bubble bath. Join a book club or take a yoga class.

Turn on your favorite music.

## *Build a Support Network For Families*

We all have a role to play in building strong communities where individuals, children, and families are valued and supported.

**Develop** relationships with your neighbors and their children.

**Help** a family under stress. Offer to watch their children, make them a meal, or suggest community resources.

**Get to know** your children's friends and their parents. Set up playdates for the children and invite the parents for coffee.

**Establish** a regular potluck supper in your neighborhood.

**Take** children to local libraries, farms, museums, and parks.

**Join** a parenting support group or go to a one-night workshop on an interesting topic.

**Communicate** with childcare or school staff. Get involved with the school.

*Everyone plays a role in  
keeping children safe and  
families strong*

How many times have you been in public (like the grocery store or restaurant) and witnessed a “difficult” interaction between a parent and child? Here are some suggestions that might help you support that family:

***Offer sympathy and help***

Sometimes a parent’s anger is fueled by embarrassment at the fuss the child is making. Say something like: *“It’s a lot of work to shop with a toddler. I remember how difficult it was when my child was that age. Is there anything I can do to help?”*

***Be positive***

Disapproval may increase a parent’s anger and make matters worse. If someone else is clearly disapproving, it is more helpful for you to step in and be an obvious ally to the parent by offering a kind remark or help.

***Take action***

Alert the store manager (or some other official) if you are concerned about a child’s safety.



This brochure has been provided by the New Hampshire Children’s Trust Fund. NHCTF sponsors primary prevention initiatives by funding, monitoring, and evaluating family support programs across New Hampshire. To learn more contact us at **603.224.1279**, **info@nhctf.org**, or our website **www.nhctf.org**.

The information in this brochure has been adopted from best practices to support children and families. It is intended to help parents, caregivers, and community members, who all have a role in keeping children safe and families strong.

*For more information about parenting support programs:*

**New Hampshire Children’s Trust Fund**  
[www.nhctf.org](http://www.nhctf.org)

**Family Support New Hampshire**  
[www.fsnh.org](http://www.fsnh.org)

*Other resources:*

**Family Resource Connection of the NH State Library** 1.800.298.4321 [www.nh.gov/nhsl/frc](http://www.nh.gov/nhsl/frc)

**Division for Children, Youth & Families**  
To report suspected child abuse or neglect call:  
1.800.894.5533



Family Support NH is a statewide coalition of family resource centers and family support programs.

Check out our website to find family support programs and parenting resources near you!

[www.FSNH.org](http://www.FSNH.org)

Family Resource Connection  
Of The NH State Library



1-800-298-4321

We have a free lending library of over 5,000 current books, videos, journals, resource referrals, and more relating to all types of family issues and child development, including information about special needs.

Materials are available for loan to all NH residents, which are mailed to your home, free of charge with a postage-paid return mailer. Call or email today!

[FRC@dcr.nh.gov](mailto:FRC@dcr.nh.gov) [www.nh.gov/nhsl/frc](http://www.nh.gov/nhsl/frc)



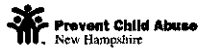
New Hampshire  
Children's Trust Fund

Keeping children safe and families strong

Visit our website for a broad list of web-based parenting, child development and child advocacy resources, and contact information for family support resources and programs near you.

NHCTF focuses on primary prevention initiatives by funding, monitoring and evaluating family support programs across New Hampshire.

[www.nhctf.org](http://www.nhctf.org) (603) 224-1279



## **Internet Resources for Families**

### **America Academy of Pediatrics**

*A wealth of parenting tips and resources*

<http://www.aap.org/parents.html>

### **Child & Family WebGuide: Tufts University**

*Directory of sites rated by experts*

[www.cfw.tufts.edu](http://www.cfw.tufts.edu)

### **Children's Alliance of NH**

*Advocating for the good of all children in NH*

[www.childrennh.org](http://www.childrennh.org)

### **Circle of Parents**

*Network of parent-led self-help groups*

[www.circleofparents.org](http://www.circleofparents.org)

### **Child Welfare League of America**

*Positive parenting tips*

[www.cwla.org/positiveparenting/](http://www.cwla.org/positiveparenting/)

### **Division for Children, Youth, & Families**

[www.dhhs.state.nh.us/DHHS/DCYF](http://www.dhhs.state.nh.us/DHHS/DCYF)

### **Department of Justice-NH**

*Tips and information about internet safety*

[www.connectwithyourkids.org](http://www.connectwithyourkids.org)

### **NH Child Care Resource & Referral**

*Educates & supports families, providers & the community regarding child care issues*

[www.nhccrr.org](http://www.nhccrr.org)

### **NH Family Voices**

*Families and friends speaking on behalf of children with special health care needs*

[www.nhfv.org](http://www.nhfv.org)

### **Parent to Parent of NH**

*Resources for parents of children with special needs*

[www.parenttoparentnh.org](http://www.parenttoparentnh.org)

### **UNH Cooperative Extension**

*Family and consumer resources*

<http://extension.unh.edu/Family/Family.htm>

ADULT LEARNING CENTER OF NASHUA • ALPHA ALLIANCE • AMMONOOSUC COMMUNITY HEALTH SERVICES, INC. • APPALACHIAN MOUNTAIN TEEN PROJECT • BANCROFT, INC. • BELKNAP COUNTY CITIZENS COUNCIL • BERLIN MULTI-DISCIPLINARY TEAM • BIG BROTHERS/BIG SISTERS • BRIDGES – DOMESTIC AND SEXUAL VIOLENCE SUPPORT • CARROLL COUNTY MEDIATION • CELEBRATE FAMILIES • CENTER FOR NEW BEGINNINGS • CENTRAL NH CHADD • CHESHIRE MEDIATION • CHILD & FAMILY SERVICES OF NH • CHILD FIRST • CHILDREN OF SULLIVAN COUNTY • CHILDREN'S PLACE AND PARENT EDUCATION CENTER • CHILDREN'S WORLD LEARNING CENTER • CHILDREN UNLIMITED • CIRCLE PROGRAM • COMMUNITY ALLIANCE OF HUMAN SERVICES • COMMUNITY DIVERSION PROGRAM • COMMUNITY HEALTH & HOSPICE • CONCORD HEIGHTS FAMILY CENTER • CONCORD HOSPITAL • CONCORD REGIONAL VNA • CONCORD SCHOOL DISTRICT • CONSORTIUM OF ALTERNATIVE & PREVENTION PROGRAMS (CAPP) • DANBURY COMMUNITY CENTER • DARTMOUTH HITCHCOCK MEDICAL CENTER • DOVER CHILDREN'S CENTER • DOVER EARLY CHILDHOOD ADVENTURES PROGRAM • EDUCATORS FOR SOCIAL RESPONSIBILITY • FAMILIES AND COMMUNITIES TOGETHER (F.A.C.T.) • FAMILIES FIRST OF THE GREATER SEACOAST • FAMILY ASSISTANCE NETWORK OF WESTERN ROCKINGHAM COUNTY • FAMILY CENTER OF GREATER PETERBOROUGH • FAMILY CONNECTIONS • FAMILY RESOURCE CENTER OF GORHAM • FAMILY STRENGTH • FOUNDATION FOR HEALTHY COMMUNITIES • FRIENDS OF FAMILIES OF SOUTHERN CARROLL COUNTY • FRIENDS OF WILTON/LYNDEBOROUGH TEENS • GOFFSTOWN POLICE DEPARTMENT • GOOD BEGINNINGS OF SULLIVAN COUNTY • GOOD BEGINNINGS OF UPPER VALLEY • GORHAM LEARNING CENTER • GRAPEVINE • GREATER SALEM FAMILY CHILD CARE • HAMPTON-SEABROOK COMMUNITY PARENTING PROJECT • HANNAH HOUSE • HAVERHILL COOPERATIVE SCHOOL DISTRICT • HUB FAMILY RESOURCE CENTER • LAKES REGION COMMUNITY SERVICES COUNCIL • LAKES REGION FAMILY SERVICES • LILY GARDEN LEARNING CENTER • LIVE AND LEARN EARLY LEARNING CENTER • LONDONDERRY CARES

**Strengthening Families in New Hampshire**



New Hampshire  
**Children's Trust fund**

**Yesterday, Today and Tomorrow**



# Thanks to Legislative Leadership, The New Hampshire Children's Trust Fund was Created in 1987

## 1987: Legislative Sponsors: Creating the Organization

Senator Elaine Krasker  
Senator Eleanor Podles  
Senator Charles Bond

Representative Beverly Gage  
Representative W. Douglas Scamman, Jr.  
Representative Mary Jane Wallner  
Representative Pamela B. Bean

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*"Passing this legislation was the highlight of my two years as chairman of the Childrens Committee. It was a great idea that has worked extremely well. The final funding mechanism was the keystone to having the legislation to be a success."*

– W. Douglas Scamman, Jr, Sponsor, Former NH House Speaker, R-Stratham

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## RSA: 169-C:39-a Purpose

- I. The legislature recognizes that child abuse and neglect are serious societal problems, are threats to the family unit, and result in major expenses to society. The legislature further declares that there is a need to assist private and public agencies in initiating and enhancing community based educational and service programs for the prevention of these misfortunes. It is the intent of the legislature to support programs that will reduce conditions leading to child abuse and thus limit the need for future state intervention and expense. It is further intended that programs for preventing child abuse and neglect will be cooperative ventures of citizens, communities, and the state. The purpose...is to create a new fund to be used exclusively for the prevention of child abuse and neglect, in order to augment funds currently available from federal, state, or local sources for this purpose.
- II. The purpose...is to provide a new source of funding, to be known as the New Hampshire Children's Trust Fund, which shall increase the funds available for the prevention of child abuse and neglect. The legislature does not intend that these funds will be used as a substitute for any funds available from federal, state, or local sources for prevention programs; nor does the legislature intend that these funds will substitute for state appropriations to the budget of the department of health and human services or to any other state agency.

## RSA: 169-C:39-b Definitions

- IV. "Prevention" means strengthening family function and reducing or eliminating factors conducive to child abuse and neglect.
- V. "Prevention programs" means programs designed to meet the (above) goals and may include...:
- a. Community-based educational programs on prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family

stress, child sexual assault prevention and awareness projects in schools; and

b. Community-based programs relating to aid to parents, child abuse counseling, support groups for families at risk of child abuse and neglect, and early identification of families with potential for such problems.

## RSA: 169-C:39-c New Hampshire Children's Trust Fund

- I. There is hereby established in the New Hampshire Charitable Foundation a special fund to be known as the New Hampshire Children's Trust Fund...is established for the prevention of cruelty to children. Funding shall be made available to a wide range of state and community-based family resource programs to prevent child abuse...

## Subsequent amendments were sponsored in 1989, 1997 and 2006

### 1989: Legislative Action: Extension for fundraising

Senator Eleanor Podles  
Senator Elaine Krasker

Representative Mary Jane Wallner  
Representative Domaingue

### 1997: Legislative Action: Name change, board revision, grantee selection criteria

Senator Debora Pignatelli  
Senator Eleanor Podles  
Senator Burton Cohen

Representative Sharon Nordgren  
Representative Mary Jane Wallner  
Representative Carol Moore

### 2006: Legislative Action: Repealing the rulemaking authority

Senator Sylvia Larsen  
Senator Peter Burling  
Senator Iris Estabrook  
Senator Martha Fuller Clark

Representative Sharon Nordgren  
Representative Karen McRae  
Representative Betsey Patten  
Representative Pamela Price

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*"The NH Children's Trust Fund was designed to be a partnership between Government Funding, private funding and the child advocacy community... (to) focus on primary prevention and outreach to all New Hampshire children and families. Bringing together the private sector with government is the New Hampshire way of doing things. Developing this partnership helped get the Trust Fund legislation passed and signed by Governor Sununu. I am proud that I was one of the sponsors of the legislation and very proud of the wonderful work the Trust has done for New Hampshire children and families over the past 20 years"*



– Rep Mary Jane Wallner, Sponsor, D-Concord

**W**ho would have guessed twenty years ago that the New Hampshire Children's Trust Fund would evolve into an organization that today is nationally recognized for our primary prevention programs, our commitment to evaluation, and our ongoing collaborations with New Hampshire state agencies, nonprofits across the state, and prevention programs across the country...all with limited funding.

Founded by a collaboration between the public and private sectors, developed by dedicated volunteers, nurtured by Board members from all corners of the state and an experienced staff, the NHCTF programs prevent child maltreatment by strengthening families.

We've looked within and outside of New Hampshire to bring the best of research, practices, standards, and financial resources to New Hampshire families. We have learned much about primary prevention programs and how to adapt and adopt programs to fit local community needs.

Today, NHCTF staff are sought as speakers to share the great strides in prevention practice, outcomes evaluation, and cross-sector collaboration we have made. Recent presentations have included the Annual Meeting of the National Council of State Legislatures, National Welfare Commissioners

Roundtable, National Conference on Child Abuse and Neglect, and the International Family Violence and Child Victimization Research Conference.

As the New Hampshire Chapter of Prevent Child Abuse America, we have connections to national initiatives to strengthen families as well as resources to support our prevention efforts. This has brought us new resources from the Office of

Juvenile Justice and Delinquency Prevention and participation in the BECAUSE Kids Count Evaluation Project, facilitated by Prevent Child Abuse America and the Centers for Disease Control and Prevention.

New Hampshire has been designated as one of seven Strengthening Families Through Early Care and Education states by The Center for the Study of Social Policy. This affiliation produced a two year grant, one of nine, from the National Alliance of Children's Trust Funds and the Doris Duke

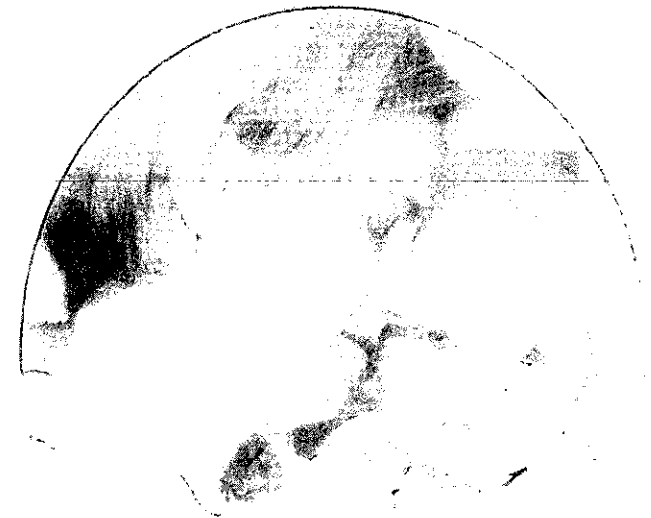
Charitable Foundation to support prevention efforts in child care centers. Our connections with prevention agencies across the country give us ideas for new programs and projects. We adapted Oklahoma's library project, and today nearly three quarters of New Hampshire's population have parenting resource centers in public libraries, funded by generous individuals, businesses and foundations.



*Former NH House Speaker W. Douglas Scamman, Jr. and NHCTF Board Chair Lynne Bartlett Merrill*

We have many to thank for the success of the NHCTF from its founding members, past board members, staff, state agencies, corporate partners, donors, endowments, and our grantees — all are dedicated individuals who have contributed countless hours and their expertise to this very important mission.

We continue to develop ways that we can reach ALL parents with the information, support, and connections that are essential in today's society to build the strong families that will keep children safe.



*Keeping children safe  
and families strong*

## Building a Solid Foundation

**Rep Mary Stuart Gile:** In the beginning there was celebration and great anticipation after the legislation was passed. Our first challenge, raising funds in the amount of \$500,000, which the state would match, sounded extremely complicated and proved daunting. The immediate great outpouring of funds did not materialize. It took years and the energy and capable leadership of many wonderful friends of children to finally attain our legislatively mandated financial objective.

**NEW HAMPSHIRE CHILDREN'S TRUST FUND  
PAST TRUSTEES: PAULA ALDERETTE, RAY  
BARRETT, MAUREEN BARROWS, PAM BEAN, IRA  
BESDANSKY, BERNIE BLUHM, SUZANNE BOULTER,  
LUCY FOWLKES BREED, JULIE BROWN, DAVID  
BUNDY, RHONDA CHARBONNEAU, SUSAN CLAY,  
BURT COHEN, PHILLIP CRAWFORD, LYNN CUDDY,  
GERALDINE DONAHUE, PATRICIA DOWLING,  
MARTHA PYLE FARRELL, PATRICIA FOSS, GWEN  
BLAIR FRAZIER, SHIRLEY GANEM, MARY STUART  
GILE, PEGGY HILL, JEFFERY HOWARD, EDWIN  
KELLY, ANN LARNEY, SYLVIA LARSEN, EFFIE  
MALLEY, CHRISTOPHER MALONEY, STEPHEN  
MERRILL, GUSTAVO MORAL, SHARON  
NORDGREN, LUZANNE PIERCE, ELEANOR PORTER,  
CARL RICHARDSON, CAROL RINES, LAUREN  
SAVAGE, HELEN SCHOTANUS, ALISON STEBBINS,  
WILLIAM STRAUGHN, MARY TEMKE, DALIA  
VIDUNAS, MARY JANE WALLNER, ROBERT  
WELLS, BONNIE WHITE, AND MARGARET YANCO.**

While I was chair, to counteract frustration and disappointment, we decided that the Trust Fund needed visibility and proceeded with great help from Lew Feldstein, Nike Speltz and Deborah Cowan at the NH Charitable Fund to develop goals, objectives, protocols and criteria for the mini-grant awards for primary prevention. And that's when we encountered our second major challenge — convincing applicants that the priority was primary prevention, not intervention. It was and continues to be a struggle.

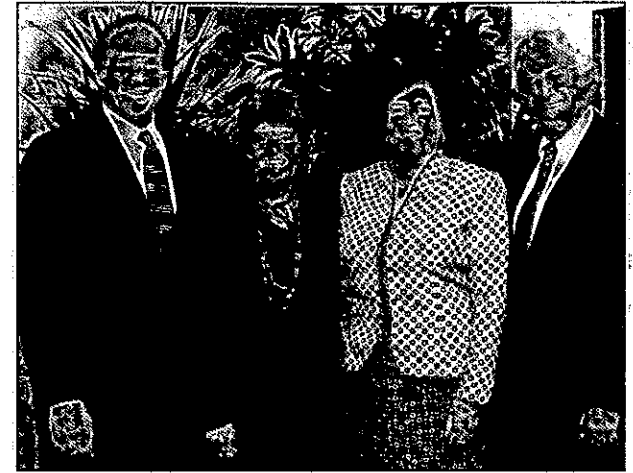
The NH Children's Trust Fund has evolved to be a major source of funds and support for communities committed to strengthening families. Many program initiatives, including the Family Resources Centers, although still too few in number, are demonstrating very positive outcomes for children and families. As one of the first trustees, it is a privilege to extend congratulations and best wishes on this 20th anniversary for continued success in keeping children safe and families strong.

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***"We've come a long way since I approached at least a half dozen NH leaders — names we all know, about building a statewide fund to support projects to prevent or reduce child abuse in NH. Child abuse? In New Hampshire? NO WAY. That's a big city problem."*** — Lew Feldstein

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**Lew Feldstein:** Steve Merrill began talking about the problem of child abuse and neglect in New Hampshire while working as Attorney General under Governor John Sununu. That problem was recognized when, in 1987, legislation creating the



*Pictured are the NH Charitable Foundation's CEO Lew Feldstein, NHCTF Chair Sharon Nordgren, Fund Drive Chair Lucy Fowlkes Breed and Charles DeGrandpre, from the Lou and Lutz Smith Foundation, one of the major benefactors to the endowment campaign, successfully completed in 1996, in order to receive the state match.*

NH Child Abuse Trust Fund was passed and signed into law, providing up to \$500,000 in state funds to match an equal amount of private dollars.

Raising private funds to endow a permanent fund that each year would support programs to prevent child abuse is no easy task. There is not a natural constituency to whom we could turn. In fact, while there are many other states that each year provide annual appropriations to support efforts to prevent child abuse, there is no other state in the country that has built a permanent endowment with 50% of the funds coming from private gifts, to reduce child abuse. New Hampshire's public private partnership is unique in the nation.

When Merrill became Governor in 1993 he remained focused on the issue of child abuse prevention and persuaded Exeter businessman Paul Holloway to lead this campaign. Merrill also made

the case to the Board of the NH Charitable Foundation to hold and manage the funds.

NHCTF now has over \$2 million in assets. In its first 20 years, it has distributed \$2.4 million to prevent child abuse. We have come a long way!!!

**Sharon Nordgren:** I served as a legislative appointee to the board from 1991 to 2007, the longest term of any trustee. There have been many changes and challenges, as the organization's growth had its 'fits and starts.'



*Sharon Nordgren, former NHCTF Board Chair with NHCTF's first Executive Director, Fran Belcher*

I remember the first meeting in the old headquarters of the NH Charitable Foundation in an old house beside today's current elegant offices.

The Charitable Foundation was our benefactor, counsel and fairy godmother. A caring supportive staff played all roles and we grew daily under their wing. That relationship continues and certainly has been the difference in our growth and develop-

ment. They were the facilitators in the gift from the Smith Foundation and that legacy continues. We certainly wouldn't be where we are today without the Charitable Foundation and their caring staff.

We recognize our differences, but in grant making we take our process very seriously and the agencies benefit from our thoughtful, thorough review. There were many times we were very limited in the grants we were able to deliver to the many worthy agencies; we have lived with uncertainty and the direction of our funding sources.

The NH Children's Trust is now financially stable and has a wealth of experience in its board and staff and we are recognized throughout the country as experts in our field. I will always treasure my years on the board as I leave the agency in capable hands.

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***"One of the most important facets of my service on the board, including six years as chair, has been the nonpartisan process of grant making. It's a very welcome occasion to join board members of all political views and come to the table and only respond to what's best for the state of New Hampshire's children and families. At the table all politics are forgotten."*** – Sharon Nordgren

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**Lucy Fowlkes Breed:** My background in child development and my master's in developmental psychology have given me particular insights in understanding the importance of parenting and the social and emotional development of children. When Governor Steve Merrill appointed me to the board in 1994, I was happy to be involved, and became the Endowment Fund Drive Chair and then Board Chair for 8 years.

During my 13 years on the board I've seen much change and growth. We were helped immensely by the NH Charitable Foundation, who provided us with offices and capable staff, such as Nike Speltz and Deborah Cowan, guiding us in fund development and our early grant making. I am proud to have hired all three executive directors. Fran Belcher was our first part time director who secured outside funding from the CAPTA, Title II federal child abuse prevention program. Our first full time director, Lisa Brennan, developed Network, now Family Support, NH an important membership organization of family support organizations allowing for peer support and exchange of ideas. And now Karen Carpenter has strengthened the organization and brought it to new heights. NHCTF is recognized nationally with funding from many sources and today is a professionally led and effective primary prevention entity.

#### ▷1970s

- A rising concern about child maltreatment; most states enacted child protection laws, with New Hampshire's child protection statutes enacted in 1973
- The National Committee for the Prevention of Child Abuse and Neglect, now Prevent Child Abuse America, was formed
- In 1974, Congress passed the Child Abuse Prevention and Treatment Act, known as CAPTA, landmark legislation to address child maltreatment
- Dr. Ray Helfer, Michigan pediatrician, conceived the idea of a

children's trust fund with funds dedicated to prevent the kind of maltreatment he observed in the children he saw

▷1980s: the first national surge of prevention and interest in establishing children's trust funds

- In 1980, Kansas established the first children's trust fund
- In 1982, Michigan was the second state to pass legislation establishing a children's trust fund
- Early in the decade, NH leaders formulated their plans to prevent child maltreatment
- In 1987 NH became the 36th state to create a children's trust

fund. Unlike most other states, whose funds were part of state government, and receive state funds, the 'NH way' was to create a separate 'public private' partnership, as an independent non-profit, but with strong linkages to key state agency partners. The Legislation created a board, which was fifty percent appointees, and the other half representative of key skills which would advance the primary prevention of child maltreatment. The legislature also created a special endowment 'challenge' if the private sector raised \$500,000, the state would match this amount to establish an endowment which would be held and managed by the NH Charitable Foundation on behalf of the NHCTF.

## Smith Awards for Excellence in Service to Families

Using the past to protect the future,  
by recognizing outstanding agencies.

The Lou and Lutza Smith Foundation established two endowments, totaling \$500,000, the largest award made, at the NH Charitable Foundation for the benefit of the NH Children's Trust Fund in 1995. The Smith Foundation gift to the NHCTF was different from the others given, which were directed at creating services and programs directly benefiting children and families. The Smith Award created a way to honor and strengthen organizations.

Lou Smith was the owner of Rockingham Park, and with his wife Lutza, was very generous in supporting children's hospitals and services for children with special needs. They were very active and personally involved in helping children and their legacy continues in many different ways.



*Winners of the 2006 Smith Award for Excellence in Service to Families, The Grapevine Family and Community Resource Center, Antrim.*

The Smith Award for Excellence in Service to Families is given every two years, based on a competitive application process, carries a cash prize of \$15,000, and a recognition event that celebrates the work of the winner, with a keynote speaker.

The five recipients to date have shown clear evidence of commitment to best practice standards of governance, especially deeply involved board members, who understand their role of supporting capable leaders and managers who do the day to day work. Each winner is unique in its own way, reflecting the communities they are a part of, yet they share a common thread of excellence in service to families through high quality dedicated staff and volunteers who work tirelessly to meet the needs of families. The challenge of strengthening families demands strong, viable organizations that can meet the challenges: the Smith Award provides leadership, direction and incentives for agencies whose work is often overlooked and under appreciated.



*NHCTF Board Chair Lynne Bartlett Merrill and Gary Hirshberg, CE/Yo, Stonyfield Farm, Keynote Speaker, 2006 Smith Award.*

### Smith Award for Excellence in Service to Families Award Winners 1998 – 2006

**1998** – Families First of the Greater Seacoast, Portsmouth

**2000** – Concord Heights Neighborhood Family Center, Concord

**2002** – The HUB Family Resource Center, Dover

**2004** – The Family Resource Center at Gorham, Gorham

**2006** – The Grapevine Family and Community Resource Center, Antrim

- The NH Charitable Foundation housed, incubated, and nurtured the NHCTF from its inception until the mid-90's: Fran Belcher was the first Executive Director, on a part time basis.
- In 1988, a small endowment allowed the NHCTF to grant five prevention grants to area agencies around the state: \$6,500 in grants were given this first year
- In 1989, the National Alliance of Children's Trust and Prevention Funds was formed to support and lead the efforts of children's trust funds in all 50 states and territories

#### ► 1990s

- As the endowment grew, more grants were given and more fund raising culminated in a successful fund driving, meeting the state 'challenge'
- 1995: the Lou and Lutza Smith Foundation made one of its largest grants to establish the endowments that would support the Smith Award for Excellence in Service to Families, to support, acknowledge and celebrate the work of agencies supporting families.
- CAPTA Title II created a pool of prevention dollars available to the states for Community Based Family Resource Services, available to State Lead Agencies, as designated by each state governor.

- 1996: New Hampshire's Governor designated the NHCTF to be the State Lead Agency to apply for and receive the federal allocation, thus tripling the amount available for community grants: over \$170,000 could be granted to community based prevention programs, when the federal dollars were combined with the yield from the endowment.
- Mid-1990's: Dr. Robert Chamberlin, a pediatrician with public health expertise, advocated for early intervention, primary prevention, and the concept of Family Resource Centers, which were successfully operating in other states.

## Diverse Revenue Sources Support One Purpose

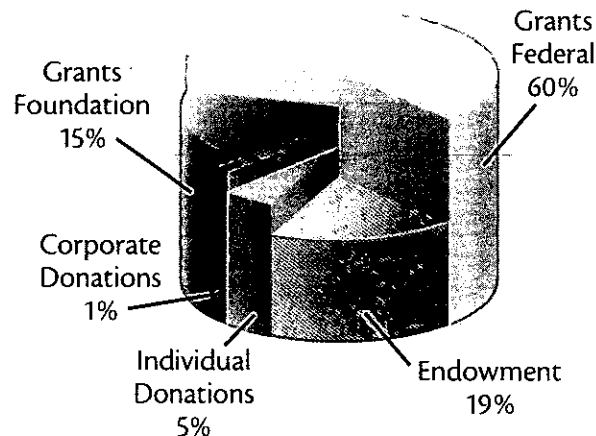
Unlike most of the Children's Trust Funds in other states, the NHCTF is an independent 501 c (3) entity, but with governance and composition of the board of trustees determined by the legislation. NHCTF receives no annual state appropriation. Sources of revenue include the yield from four endowed funds, which were established at the NH Charitable Foundation, created when a successful capital endowment campaign met the terms of the state match. In 1996, New Hampshire's governor designated the NHCTF the State Lead Agency eligible to apply for and receive federal dollars under the CAPTA (Child Abuse Prevention and Treatment Act), Title II, CBFRS (Community Based Family Resource Services) Program. These funds are now called the CBCAP, Community Based Child Abuse Prevention, program, and are designated for grants to local community based prevention programs. Since 1996, NHCTF has been designated the State Lead Agency, applies for and receives an annual grant which is based on the state's per child population and the amount of private dollars which are available in the state for prevention programs.

- Network New Hampshire, a peer support group of family support staff, started meeting to exchange ideas, promote 'best practices' and parenting support programs across the state. NHCTF provided funds and staff to support this effort.
- 1998: the first Smith Award for Excellence in Service to Families was awarded to Families First of the Greater Seacoast, recognizing the exemplary leadership and commitment to families and children of this health-focused agency.
- NHCTF trustees awarded 34 grants totaling \$180,000 for primary prevention programs all over New Hampshire
- Lisa Brennan was appointed Executive Director, on a full time basis

Additional revenues have come from private and family foundations, other federal agencies, like the Office of Juvenile Justice and Delinquency Prevention. Since 2005, the State of New Hampshire has contracted with the NHCTF, 100% federal dollars,

### SOURCES OF FUNDS

|                     |                   |
|---------------------|-------------------|
| INDIVIDUAL DONORS   | 23,698            |
| CORPORATE DONORS    | 5,050             |
| GRANTS - FOUNDATION | 68,924            |
| GRANTS - FEDERAL    | 265,175           |
| ENDOWMENT           | 85,171            |
| OTHER INCOME        | 1,782             |
| <b>TOTAL</b>        | <b>\$ 449,800</b> |



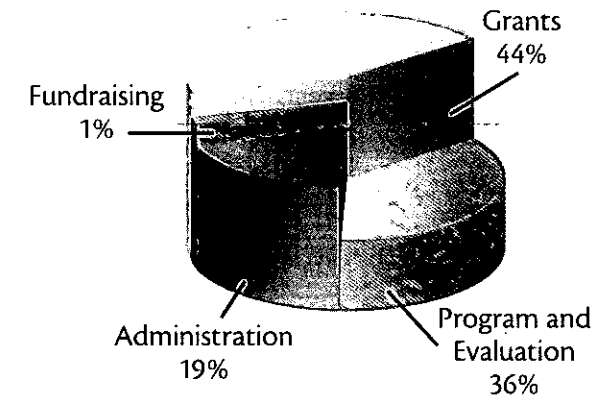
### ►2000s

- the second Smith Award was given to the Concord Heights Neighborhood Family Center, an outstanding example of integrating family support in a school based setting.
- Many local agencies were forming family resource centers, embedded in local communities, following the principles and model of Family Support America, as a way to support and strengthen families.
- 2002: The HUB Family Resource Center of Dover received the Smith Award, cited for its work integrating family support, early

for evaluation and technical assistance services. Businesses and individuals have also sponsored certain projects and events and donate to an annual appeal which support grant making.

### USES OF FUNDS

|                        |                   |
|------------------------|-------------------|
| GRANTS                 | 190,729           |
| PROGRAM AND EVALUATION | 158,800           |
| ADMINISTRATION         | 82,721            |
| FUNDRAISING            | 4,488             |
| <b>TOTAL</b>           | <b>\$ 436,738</b> |



intervention and primary prevention with schools, housing authorities and community agencies. Noted children's author Tommy DePaola was the keynote speaker at the celebration.

- Karen Carpenter was hired as Executive Director
- NHCTF began its commitment to outcomes evaluation in partnership with the FRIENDS National Resource Center, grantee partners, and the state's child welfare agency, the Division for Children, Youth and Families.
- 2003: NHCTF hosts a national evaluation summit to develop the protective factors survey

# Measuring the Impact of Family Support

The New Hampshire Children's Trust Fund (NHCTF) is committed to supporting our grantees in evaluation efforts that seek to measure the impact of prevention programming. Our evaluation work on the local, state, and national level has positioned us as a leader for information and training in this area.

The Outcome Survey takes a strength-based approach and measures participant report of change across seven key protective factors that the Children's Bureau has identified with a reduction in the occurrence of child maltreatment:

- Supportive Relationships
- Accessing Community Resources
- Parental Confidence
- Sharing Parental Concerns
- Meeting Family Needs
- Standing Up for Family Needs
- Reducing Family Stress

In order to effectively engage the public in a discussion about the importance of prevention activities, we must have timely, sophisticated information about the impact of community-based programs. Funders, policy makers, community members, and elected officials need to hear agency data and facts about what works to improve family circumstances and protect children. And, even more powerful than agency data, are statewide numbers that show a positive trend in prevention programs.

## The Power of Prevention

NHCTF is committed to improving evaluation practice for our grantees and other prevention programs across the state. NHCTF provides training and technical support for agencies to collaboratively utilize a free survey tool, the Family Support Program Outcome Survey, which has been imple-



Three generations of the Nordgren family

mented in prevention programs across the nation, and in NH, since 2005. The Outcome Survey collects demographic information, qualitative responses, and measures participant change across seven key protective factors for families.

An analysis of three years of Outcome Survey data reveals the effectiveness of the programs that we

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*"...These days there is no more backyard networking of [Stay At Home] parents. The job is—by its nature—isolating, difficult and lonely. Problems magnify in isolation and peers are often the best source of creative problem solving and comfort. This program IS the new backyard network. A chance for close friendships and support of local fellow parents—usually stay at home parents—to make a difficult job easier and more rewarding."*

– NH Family Support Participant

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- NHCTF Board begins a strategic planning process and adopts a three year strategic plan by early 2004, with goals of raising awareness about the value of primary prevention and expanding programs and services.

- 2004: NHCTF selects the Family Resource Center at Gorham for the Smith Award for its leadership in combining family support and primary prevention with the challenges of community economic change. Dr. Vincent J. Felitti, author of the Adverse Childhood Experiences (ACE) Study is keynote, addressing the correlation between childhood trauma and adult health problems, supported by a grant from the Endowment for Health.

- 2004: NHCTF leads a national field test of the Family Support Outcomes Survey.

- Prevent Child Abuse America selects the NHCTF to be its NH Chapter, thus consolidating the voice for prevention in the state.

- Senator Judd Gregg's office secures an 'earmark' of \$50,000 from the Office of Juvenile Justice and Delinquency Prevention for NHCTF's Project IMPACT, Initiatives Moving Parents and Children Together, which further supports evaluation work and a statewide prevention summit in 2005

- In December of 2004, New Hampshire competes successfully to

be a Strengthening Families Through Early Care and Education Pilot State: the Center for the Study of Social Policy selects NH as one of 7 states in the country, thus launching a new prevention initiative, funded by the Doris Duke Charitable Foundation

- 2005: a statewide Prevention Summit features community program models that work to keep children safe and families strong and keynote speaker Jan Hindman, author of *There Is No Sex Fairy*

- NHCTF honors long term, retiring board chair Lucy Fowlkes Breed for her leadership by established a new endowed fund, the Lucy Fowlkes Breed Legacy Fund

*“...Family support has often been viewed as intangible. By talking about outcomes we have been able to clearly express what the impact is on families’ lives. This has been invaluable when talking with consumers, volunteers, staff and funders. Our staff use this information on a daily basis to stay focused on building protective factors that will strengthen families and keep children safe.”*

– Keryn Kriegl, Program Director, Families First Health and Support Center

support: Participants are experiencing positive change across every protective factor measured. This is crucial information for funders and program managers because limited resources combined with a desire to provide high-quality service for families creates a need to seek programs that have demonstrated results.

The administration of the Outcome Survey has been a collaborative effort with New Hampshire family support programs, the NH Division for Children, Youth, and Families, and the FRIENDS National Resource Center. FRIENDS has provided training, technical assistance, and evaluation expertise that has been invaluable to the success of this effort.



### Supporting Evaluation Today and Tomorrow

In 2007, NHCTF was chosen as one of nine Prevent Child Abuse Chapter agencies to engage in the BECAUSE Kids Count Project, facilitated by Prevent Child Abuse America and the Centers for Disease Control and Prevention. This project provides the amazing opportunity to bring together quality assurance and research expertise from NHCTF, the NH Division for Children, Youth, and Families, and Granite State College to address the challenge of creating, implementing, and sustaining evidence-based prevention programs.

NHCTF remains on the cutting edge of evaluation for prevention programs through our national affiliations. This national expertise provides information and support to grantee agencies and the

Evaluation work is tied to every facet of supporting prevention programs by:

- Promoting public awareness of the importance of prevention
- Developing resources to continue and expand programs
- Improving programs and services for children and families
- Assessing and responding to existing and emerging needs

communities and families they work with everyday. At NHCTF, evaluation is an ongoing process and it is the beginning of a conversation about what we can all do to keep children safe and families strong.

*“It’s a family. I feel welcome and respected, and my confidence and strength have increased greatly in the time I’ve been at the [program].”*

– NH Family Support Program Participant

- In 2005, NHCTF entered into a two year contract, 100% federal funding, with New Hampshire’s Division for Children, Youth and Families to provide technical assistance and evaluation services for New Hampshire’s family support programs.
- At the 2005, biennial OCAN, Office of Child Abuse and Neglect, National Conference, NHCTF was invited to present a workshop, in partnership with DCYF staff and the Family Resource Center at Gorham, “Braiding Funds to Effect Prevention in NH”
- In 2005, two reports were issued: the first outcomes report and the costs and consequences of child maltreatment in NH

- 2006: The Grapevine Family and Community Center is awarded the Smith Award for its outstanding work in integrating all aspects of family support in the rural towns it serves and for its model of diversified revenue. Gary Hirshberg, CE/Yo of Stonyfield Farm, is keynote, highlighting the role the business leaders can and should play in supporting families.
- Host a regional prevention Summit in Nashua, with the Youth Council, at Rivier College, supported by the Harvard Pilgrim Health Care Foundation. Keynote speakers are Lew Feldstein, who provided information on the links between social capital

- and prevention, Kathleen Kendall Tackett, UNH Professor and author, on the relationships between child abuse and health, and Alan Robichaud, Executive Director of the Belknap County Citizens Council, on the community wide model of prevention and restorative justice.
- In 2006, NHCTF received a two year \$50,000 grant from the National Alliance for Children’s Trust and Prevention Funds and the Doris Duke Charitable Foundation to create partners in prevention between early care and education and to sponsor parent advocacy training.



◆ **Recognizing Leadership** ◆

**Children Helping Children Award:**

Ryan O'Meara

**Family Support New Hampshire**

**Dr. Robert Chamberlin Award:**

Eileen Mullen Kennedy

**Citizen Leadership Awards:**

|                    |                  |
|--------------------|------------------|
| Betty Avery        | Antrim           |
| Dawn McCartney     | Center Barnstead |
| Willard Martin     | Center Sandwich  |
| Priscilla Tarleton | Charlestown      |
| Jenefer Lumbra     | Claremont        |
| Laura McCormack    | Concord          |
| Larry Patz         | Contoocook       |
| Ruth Pendergast    | Derry            |
| Fran Meffen        | Dover            |
| Heather Judkins    | Franklin         |
| Nancy Gordon       | Gorham           |
| Lisa Teague        | Londonderry      |
| Peter Bleyler      | Lyme             |
| Ann Justice        | Lyme Center      |
| Yvonne Calimeri    | Manchester       |
| Ken Garry          | Middleton        |
| Betsey Church      | Nelson           |
| Ann Marie Marquis  | Pittsburg        |
| Mary Jane Keane    | Stratham         |
| Barbara O'Hern     | Wolfeboro        |

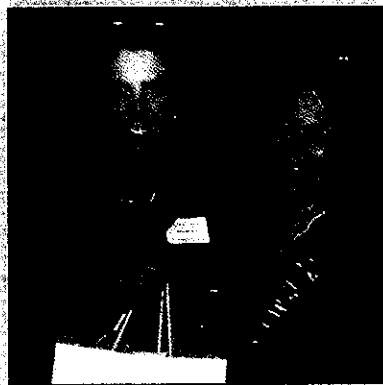
**Special Recognition:**

*Board of Directors*

Mount Washington Children's Museum,  
North Conway

*Volunteers*

Starting Point Services for Victims of  
Domestic & Sexual Violence, Conway



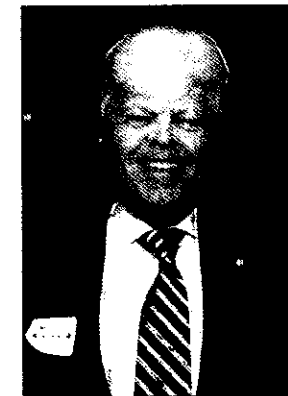
*Dr. Deborah Daro & Representative  
Karen McRae*



*Hunt & Lucy Breed*



*Marilyn & Larry Patz & Representative Mary Jane Wallner*



*Special Justice Willard  
"Bud" Martin*



*Monica Zulauf*

# Celebrating Keeping Children Safe

October 18, 2007 Grappone Center  
Keynote Address by Dr. Deborah Daro

NHCTF marked 20 years of supporting programs on October 18th, celebrating the efforts of citizen leadership and work in helping children and families in every corner of the state. Dr. Daro, Chapin Hall Center for Children, whose work has challenged the audience to look at ways to build powerful programs, effective systems and effective leadership. House Majority Leader Mary Jane Wallner, Governor Lynch and a Joint House-Senate Proclamation commending the work received recognition. Board Chair Lynne Bartlett Scamman, Jr, was a cosponsor of the legislation that created the children's trust fund. In Scamman's concluding remarks, he affirmed the creation of the NHCTF, how important and effective it is for families and affirmed the keynote speaker's remarks: *...ties in this work, because keeping children safe a*

# 20 Years of and Families Strong

erence Center, Concord, NH  
o, Chapin Hall Research Fellow

work to prevent child abuse and neglect on  
from 8 to 82, with awards for their volunteer  
and corner of New Hampshire. Dr. Deborah  
1 prevention has spanned the field's first 30 years  
ention work in communities with effective pro-  
at prevention will continue to evolve and be  
resented a commendation from Governor John  
tulating both the Trust Fund and those who  
rill noted that former House Speaker W. Douglas  
ars ago and has been dubbed the "father of the  
rks, he noted the great changes in NH just since  
ve the NHCTF and its programs are in supporting  
*'Dr. Daro is right—we need to involve communi-  
-milies strong is everyone's responsibility.'*



*Kay Sidway & Marilyn Jennato*



*Gary, Sam & Tanya Fox*



*Ken Garry & Brenda Whittels*



*Peirce Hunter & Robert, Ryan, & Kit O'Meara*



*Kim Duthie, Betty Avery & Krister Vance*



*tra Van Scoyoc*



*Eliza Knight & Elisabeth Hunter*



*Gail Barba & Yvonne Calimeri*



*Gordon Allen, Representative Barbara French, John Cooks & Alan Robichaud*

# strengthening families

THROUGH EARLY CARE & EDUCATION

New Hampshire joins another important national effort in child abuse prevention and becomes a leader, working to expand our state's a public private partnerships to keep children safe and families strong. New Hampshire's Strengthening Families (SFI) Initiative was initiated and is being led by the state's Division for Children, Youth and Families. New Hampshire's Leadership team includes:

- New Hampshire's Division for Children, Youth and Families
- NH Children's Trust Fund
- Head Start Directors Association
- Head Start Parent Advisory Council
- Child Care Resource and Referral Network
- Division of Public Health Services
- Division of Community Based Care
- NH Technical Institute
- NH Association for the Education of Young Children
- Early Learning New Hampshire
- University of New Hampshire
- Community Bridges

In the late fall of 2004, the Center for the Study of Social Policy (CSSP) selected NH from 26 applications to compete for a new prevention effort, funded by the Doris Duke Charitable Foundation. In early 2005, CSSP announced that NH was one of 7 pilot states selected for the two year program, to integrate prevention in early care and education program nationally. CSSP's review of research on

effective strategies to reduce child abuse and neglect, identified exemplary early childhood

programs, and included interviews with hundreds of experts, researchers, practitioners and parents. This work yielded knowledge about key protective factors for parents that reduce child maltreatment: parental resilience, social connections, knowledge of parenting and child development, and concrete support in times of need; for children the key protective factor is healthy social and emotional development. During the first two years, NH accomplished much, with technical assistance from CSSP and with the dedication and energies of the NH Leadership Team, including:

- Piloting the SFI approach in selected early care and education programs, then using the pilot programs as trainers and mentors;
- Enhancing collaboration between early childhood professionals and programs, key state programs providing services to young children and their families, child abuse and neglect prevention advocates and programs, private non profit family service agencies;
- Integrating key elements of the approach into existing pre-service, professional development, in-service training opportunities for early childhood and/or child welfare professionals within the state;
- Developing a research agenda to document the impact of the pilot.



*NH House Speaker Terie Norelli and Representative Mary Stuart Gile welcome Senior Fellows Jean McIntosh and Judy Langford from the Center for the Study of Social Policy. Dr. Ellen Wheatley, New Hampshire's Child Development Bureau Administrator, started the Strengthening Families Through Early Care and Education Program in NH.*

In 2006, the Children's Trust Fund successfully competed for one of nine, two year, \$50,000 grants awarded by the National Alliance for Children's Trust and Prevention Funds and the Doris Duke Charitable Foundation. This second phase has multiple goals, including mini-grants to early care and education programs to create a seamless system of family support, through a Partners in Prevention Project. A Parent Advocacy component began in April of 2007, in partnership with the Head Start Parent Advisory Council. Parent Advocacy activities continue and focus on skill-building and advancing issues of concern to parents, giving voice and attention to the needs of families and children.

- 2006: The second statewide outcomes report is issued, with findings consistent with the first, that the positive outcomes, and growth in protective factors at all family support programs were statistically significant, i.e. they did not occur by chance.
- NHCTF begins the launch of providing family support materials to all the state's libraries, thus providing universal access to parenting information, Strengthening Families in Community Libraries.
- 2007: the NHCTF expands the library project, receiving major support from businesses, foundations and individuals

- The National Council of State Legislatures invites NHCTF to bring two state legislators to an Illinois Strengthening Families Summit
- NHCTF Executive Director is invited to present at two national workshops at the biennial Office of Child Abuse and Neglect Conference in Oregon. "Going Upstream in NH" features the efforts of the Belknap County program and "Strengthening Families in Early Care and Education"
- NHCTF receives national recognition for prevention work when

Executive Director Karen Carpenter was presented with the 2007 Commissioner's Award.

- Katie Brandt presents at International Conference at UNH
- 20th anniversary celebration features noted researcher, Dr. Deborah Daro, honors community leaders.
- Launches library project
- DCYF and NHCTF enter into a two year contract for evaluation and technical assistance services

# Family Support New Hampshire



Family Support New Hampshire (FSNH) is a leadership coalition that provides resource exchange, support and technical assistance for community-based family resource centers and family support programs throughout New Hampshire. FSNH pro-

promotes a philosophy of primary prevention and is committed to working with state and local government towards systems change for the benefit of all New Hampshire families.

FSNH member agencies provide programs that keep children safe and families strong by running groups, offering home-based services and other prevention-based programs which enhance families' capacity to support the growth and development of all family members.

To find family support near you go to [www.fsnh.org](http://www.fsnh.org)



NHCTF Parent Advocacy Director Julie Day volunteered for FSNH with daughters Lucy and Casey at the Milford Family Fun Fair, sponsored by Parenting NH Magazine

## Dr. Robert Chamberlin Award

Since 2004, FSNH has presented the Dr. Robert Chamberlin Award to recognize an individual's outstanding work and dedication on behalf of children and families in New Hampshire.

### 2007 Nominees

**Joan Ascheim** has been a strong advocate of supporting families throughout her 20 year career at the NH Division of Public Health. Fueled by a dream that NH would have a state-wide home visiting program, Joan established Home Visiting New Hampshire. Today, Joan advocates for high quality care and support services to families in her position as Chief of the Division's Bureau of Policy and Performance Management.



**Donna Raycraft** has worked with families and children for 25 years through the Riverbend Parent-Child Centers. During her tenure, Donna managed the growth of the Parent-Child Centers from two sites to five sites today which reach over 27 communities. Her role as an advocate for children and families, and her role in advisory groups, including several state task groups, have proven to be invaluable for improving parent-child relationships across New Hampshire.



## 2007 Dr. Robert Chamberlin Award Winner: Eileen Mullen Kennedy

**Eileen Mullen Kennedy** began her 25 year career with the New Hampshire Division for Children, Youth and Families as a child protective worker.



Eileen Mullen Kennedy & Dr. Robert Chamberlin

Eileen has been a tireless advocate for family support services through her leadership in child welfare and has been instrumental in many department initiatives to support children and families through the ever-changing state and federal laws surrounding child protection.

Eileen has worked with New Hampshire legislators to ensure policies to support community-based family support programs and has been actively involved with Family Support New Hampshire. Working closely with agencies providing child abuse prevention services, Eileen helped to ensure that access to an array of family-focused services are readily available to families who need support.

Her interest in infant and child mental health services, support to new parents and their children, and the education and preparation of child welfare staff through internship programs are all testament to her holistic approach to child protection and child abuse prevention services in New Hampshire.

## Strengthening Prevention by Expanding Partnerships



Audrey Knight, Trustee, Chair Program & Evaluation Committee; Appointed to NHCTF Board by the Commissioner of the Department of Health and Human Services, she represents the Department of Public Health

The NHCTF Program and Evaluation Committee is an active, trustee-led effort that has oversight of evaluation activities, grant application and reporting processes. Although trustees retain sole responsibility for grant making decisions, after they read each application and engage in an all day meeting to debate the strengths and weaknesses of each proposal, trustees invite staff, agencies and community members to join them in other key

activities at the NHCTF. This model of shared leadership includes the Program and Evaluation Committee and the Smith Award Selection Committee and creates a continuous and open process for improving services to children and families.

Shared leadership and expanding partnerships enable a greater, more powerful system of prevention. Preventing child maltreatment takes more than a village to protect a child: it takes the concerted and diligent collaboration of community members, elected officials, state agency staff, nonprofit community agencies, and most importantly, parents and other caregivers.

*"Thank you for being one of our strong partners as we continue to build community and strengthen families in Coos County... It is clear to us that the challenges we face are far too extensive for us to solve them alone. Your ideas, collaboration and support have made a difference for the board and staff and of our Center and for the families and children of the North Country. Thank you for the many ways—both large and small—you have helped us."*

— Cathy McDowell, Executive Director, Family Resource Center at Gorham, 2004 Smith Award winner



Jim Doremus, Executive Director, White Birch Community Center, a Strengthening Families in Early Care and Education program, Mike Ostrowski, Executive Director, Child and Family Services of NH, Chris Emond, Executive Director, Concord Boys and Girls Club



Parent advocacy activities have adopted this slogan, Families Are PRIMARY, to focus on the importance and value of parents and children. This slogan was created by Julie Day, Parent Advocacy Director at the NHCTF.

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*Executive Director*  
 Katie Brandt, MM  
*Family Support Outcomes Director*  
 Diane Hastings, MS  
*Special Projects Director*  
 Julie Day, BS  
*Parent Advocacy Director*  
 Trish Mernin, BA  
*Administrative Assistant*



**Prevent Child Abuse**  
 New Hampshire

## *Bringing more resources to NH, strengthening organizations, expanding the reach of prevention: leadership in action.*

**T**he hallmarks of NHCTF's focus have been broadening to expand public private partnerships, to adhere to the intent of the enabling legislation, to actively participate with federal and national efforts, to adopt and adapt ideas from other states that can work well in New Hampshire, and to engage fully all members of the community.

As the State Lead Agency for federal child abuse prevention funding, we secured the technical assistance of the FRIENDS National Resource Center to work with us, our community based organizations and state agency partner, the NH Division for Children, Youth and Families: as a result, statewide program outcomes have been measured for the past three years, creating a baseline for state outcomes, and enabling participating grantees to have the kind of detail which helps them improve and refine individual program performance.

As a board leader with National Alliance of Children's Trust Funds, we have brought ideas, peer support and additional financial resources to our state. Prevent Child Abuse America selected the NHCTF to be the state chapter to help advance the work of prevention in NH. We have expanded our work with the Center for the Study of Social Policy's Strengthening Families National Initiative and applied it more broadly here, in libraries and in reframing April as Strengthening Families Month.

Clearly the job of preventing child maltreatment has not been done in just 20 years. There is much



*Commissioner Joan Ohl, Administration for Children, Youth and Families, U.S. Dept. of Health and Human Services, presenting Commissioner's Award to Karen H. Carpenter, New Hampshire, with Catherine Nolan, Children's Bureau Director and Katie Brandt, NHCTF, looking on, Portland Oregon, 16th National Conference on Child Abuse and Neglect, 2007*

more to do, and many challenges. We need to engage more partners in the work of prevention: until all children are safe and every family is strong in NH, we need to find more financial and human resources, to support ALL families, so that isolation and stressors that lead to child maltreatment are reduced and protective factors are developed.

NHCTF is not just about giving away money—it's about strengthening the lives of children and families through the work of our community partners, about creating the reports that show the effectiveness of strengthening families, about supporting and strengthening organizations, and about reporting on the consequences and costs, if we allow children to be abused and neglected. We will continue this work.

---

*The recognition that what we are doing is working came to the NHCTF in 2007, with Executive Director Karen Carpenter receiving the Commissioner's Award, cited for being 'skilled at drawing connections between primary prevention, family health and well-being..she leverages funding and support for prevention programs from both traditional and non-traditional resources, in order to strengthen an integrated statewide system of support for families.'*

---

Pictured are two key staff at the NHCTF—**Katie Brandt** who leads the outcomes evaluation work within NH and whose work has been recognized through her national efforts, particularly with Peer Review, Protective Factors Study Group and the BECAUSE Kids Count Evaluation Project funded by the Centers for the Study of Disease Control and Prevention.



*Katie Brandt and Diane Hastings*

**Diane Hasting** staffs Special Events like the Smith Awards, which have brought nationally recognized speakers like Dr. Vincent J. Felitti, author of the ACE Study, and Gary Hirshberg, business leader, as keynote speakers. She is currently leading the Strengthening Families in Community Libraries Project.

## ***Combining both financial and volunteer support creates a solid and broad foundation for prevention***

***Supporting the special projects and programs of the NHCTF have been numerous generous individuals, businesses, foundations, and governmental units who over the past four years have helped in various levels of support and sponsorship for the Smith Awards for Excellence in Service to Families, the 2005 Statewide Prevention Summit, the Nashua Prevention Summit, Strengthening Families through Early Care and Education Initiative, and most recently the Strengthening Families In Community Libraries Project. We are very grateful for this help.***

Agnes M. Lindsay Trust  
Annie's Homegrown  
Anthem Blue Cross & Blue Shield  
The Balsams Grand Resort Hotel  
Bank of America  
Bow Mills Bank & Trust  
Kathy Barger  
Barker Foundation  
Byrne Foundation  
Cambridge Trust Company  
Catholic Medical Center  
Comcast  
Company C  
Dr. Geoffrey & Martha Fuller Clark  
Doris Duke Charitable Foundation  
Endowment for Health  
Fidelity Investments  
First Colebrook Bank  
Fleet Bank

Gibsons Bookstore  
Harvard Pilgrim Health Care Foundation  
Healthy Beginnings Endowment of Concord Hospital  
HNH Foundation  
The Inns & Spa at Mills Falls  
Jefferson Pilot Financial  
Life Is Good  
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Merrimack County Savings Bank Foundation  
McLane, Graf, Raulerson & Middleton, PA  
Nathan Wechsler & Company  
National Alliance of Children's Trust Funds  
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Division for Children, Youth & Families  
North East Delta Dental  
Office of Juvenile Justice & Delinquency Prevention  
Parenting NH  
Prevent Child Abuse America  
Providian Financial  
Saint Paul's School  
The Samuel P. Hunt Foundation  
The Samuel P. Pardoe Foundation  
Saul O. Sidore Memorial Foundation  
Stonyfield Farm  
Verizon  
Vintage Kitchens  
Yankee Barn Homes



*Kim Bruneau from the New Hampton Child Care Center & Jane Marquis from the Early Childhood Adventures Program. Both agencies are Strengthening Families Through Early Care and Education Exemplar Programs.*

***The volunteer efforts of many have enhanced the work we do to keep children safe and families strong include valuable assistance and technical advice from...***

Mike Brandt  
Joanne & Andrew Bushnell  
Casey Family Services  
Child & Family Services  
Kathleen Desmarais, Public Information Office,  
Department of Health & Human Services  
Division for Children, Youth & Families,  
Department of Health & Human Services  
Family Resource Connection of the NH State  
Library  
George Hastings  
Merrimack County Retired & Senior Volunteer  
Program  
Rivier College  
Scott St. Louis  
Saint Anselm College students  
Saint Theresa Parish, Henniker  
Springfield College Students

# NH Public Libraries Are Winners in NH Children's Trust Fund Project

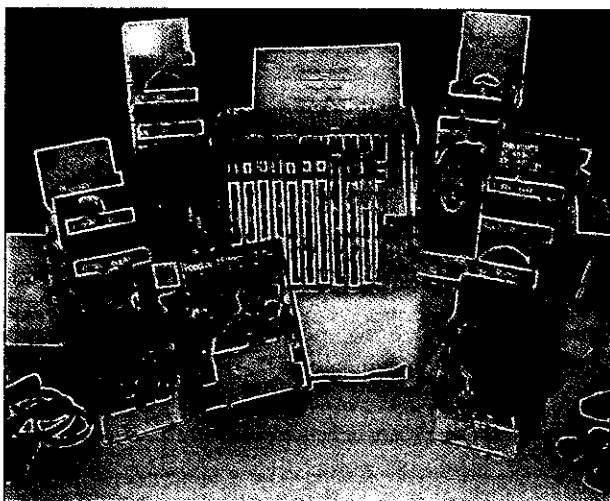
by Nancy K Cristiano, Coordinator  
Family Resource Connection, NH State Library

For most public libraries in New Hampshire, being a beneficiary to a trust fund is like winning a lottery—it seems to happen to those who are “lucky” or already “have a lot of money.” In case you haven’t heard, 2007 is a lucky year for *all* NH public libraries—thanks to the energies and generosity of New Hampshire Children’s Trust Fund (NHCTF).

This year, NHCTF is celebrating 20 years of “*keeping children safe and families strong*” by providing resources for communities to strengthen families and thus to prevent child abuse and neglect. NHCTF believes that the key to keeping children safe is by supporting parents and has launched a statewide “*Strengthening Families in Community Libraries Project*” to provide essential information about aspects of parenting and child development to each of the public libraries in New Hampshire. Since most communities have a public library, NHCTF’s project will strengthen the 160,000 New Hampshire families with children by providing parenting resources in a publicly accessible location—the public library.

Each library will receive a portable rack with selected parenting resources, including information from community and statewide family support

organizations, as well as other recommended parenting materials. In addition, each public library will be given a 12-volume set of the nationally acclaimed *I Am Your Child* parenting DVD series produced by Rob Reiner.



Titles in the Parenting DVD’s include:

- *A Child with Special Needs*
- *The First Years Last Forever*
- *Preparing for Parenthood*
- *Quality Child Care*
- *Ready to Learn*
- *Safe from the Start*
- *Your Healthy Baby*
- *Discipline: Teaching Limits with Love*
- *Food and Fitness Matter: Raising Healthy, Active Kids!*
- *Stop Smoking Now*
- *To Be a Father*
- *Why Early Childhood Matters*

NHCTF’s program connects sponsors, local agencies and public libraries. As of September 2007, 96 libraries have received sponsorships, with all libraries equipped by December 2008. The following NH businesses, foundations and individuals are contributing sponsors:

- Verizon Foundation
- Samuel P. Pardoe Foundation
- Samuel P. Hunt Foundation
- Bank of America
- Fidelity Investments
- Saul O. Sidore Memorial Foundation
- Merrimack County Savings Bank Foundation
- First Colebrook Bank
- Mary Alice & Kent Warner
- Representative Betsy McKinney
- Senator Martha Fuller Clark

New Hampshire families and public libraries are not the only beneficiaries of NHCTF’s 20-year anniversary celebration—future generations will also benefit. A collective note of admiration and gratitude should echo through New Hampshire’s public libraries for the dedication and commitment of NHCTF and their mission of “*keeping children safe and families strong*.” Parents and relatives will benefit from the gifts of parenting resources and supports, which will in turn directly influence their children. The enhanced exposure of families to community resources—in particular public libraries—will open the proverbial “door to literacy,” and be cause for celebration throughout New Hampshire’s communities.



# Appreciating those whose gifts support families and children and build stronger communities. Thank you!

*Gifts to our Annual Appeal are sought every fall so that we can expand the pool of dollars for grant making and support to community based nonprofit organizations. We thank these individuals, businesses, and foundations for this assistance. It's important to note that these gifts come frequently with many different kinds of special stipulations:*

• *Last Spring an 8 year old wanted to help other children and told her family and friends "no presents"—just support the NH Children's Trust Fund.*

• *Donations have been received honoring birthdays and anniversaries and special events for individuals and families.*

*And finally, we are always very honored and touched when we receive notice that gifts are being made to honor the memory of a loving mother, a beloved aunt who was cherished and who through her teaching career was devoted to children, and to remember the tragic loss of a daughter.*



*Dr. Suzie Boulter, former NHCTF Trustee and Representative Liz Hager*

## Individual Donors

Anonymous  
David Allison  
Richard E. Amidon  
Jonas and Joellen Aviza  
Alaina Bailey  
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John Gikas  
Gilbert Verney Foundation  
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Wendy Gladstone  
Frances Glahn  
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Morrison  
Christine Hamm  
Larissa Hensley  
Courtney Herz  
Jay and Magie Hodes  
Jay Hodges  
John and Lynda Hunt  
Peirce and Jill Hunter  
Harold and Elizabeth Janeway  
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William and Nancy Morrison  
Sharon and Dick Nordgren  
Ray Orzechowski and Anne  
LaForce  
Paula and Sandra Montrone  
Edward P. and Susan Moran  
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Richard Murphy and Beth Moore  
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Andrew Radl  
Erma Rand  
Leonard and Joan Reed  
Barbara Hull Richardson  
Carol Robey and Robert Oot  
Sol and Linda Rockenmacher  
John P. Rogers Trust  
Christine Rosenwasser & John  
Farley  
Marshall Rowe  
Barbara Ruedig  
Sylvia Saladino  
Patricia Sanborn  
Doug and Stella Scamman  
Martin Schwartzberg  
Barbara C. Seebart

Peggy Senter  
Daniel Shapiro  
Pamela J. Skovira  
Ronald Snow  
Bob & Kay Soucy  
Nike and David Speltz  
Paul Spivack and Maureen  
Angelini  
James and Jessica Squires  
Susan Strickler  
Abner Taub and Liliane Sznycer  
Jim and Brenda Tibbetts  
Louise Tillotson  
University of New Hampshire  
Alpha Sigma Chapter of Kappa  
Delta  
The Upton Family  
Richard Verney  
Carolyn Young  
Brian Walsh and Linda Patchett  
Robert Wells  
Richard Wennerberg  
Bonnie White  
Ronna F. Wise  
Kimon and Anne Zachos



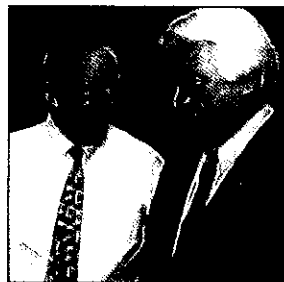
*Bernie Bluhm is recognized for his years as an NHCTF Trustee*

## Strengthening the Organization: Raising the NH Children's Trust Fund Endowment

***In addition to the capital gifts to the endowment which stabilized the NHCTF FOREVER for the future, to established four named funds held at the New Hampshire Charitable Foundation, in 2005 the trustees established a fifth named endowment, the Lucy Fowlkes Breed Legacy Fund to honor a long time board member who has served ably in key leadership capacities—Fund Drive Chair and Board Chair.***

Anonymous  
Bert Allen  
The Honorable David and Mary Elizabeth Allison  
Penny Armstrong  
Robert and Penny Ashton  
Bailey Distribution Corporation  
Glen and Tara Bailey  
The Honorable Sandra Balomenos Keans  
Senator and Mrs. John Barnes  
Ray Barrett  
Maureen Barrows  
Bishop's Discretionary Fund  
Lucy F. and Dr. Huntington R. Breed  
The Honorable Julie Brown  
Robert Brown  
Dorothy Campion-Corcoran  
Casassa and Ryan, Attorneys at Law  
Rhona Charbonneau  
Charitable Connections  
Chatham, Inc.  
The Honorable Martha Fuller Clark  
Senator Burton Cohen  
Continental Paving, Inc.  
Crown Service System  
NE Delta Dental  
G. Wesley and Sharon DeVries  
Digital Equipment Corporation

Dreher-Holloway, Inc.  
Dunfey Directed Fund  
Senator Ed Dupont  
Eckman Construction Co., Inc.  
Richard and Marguerite Edmonds  
Erie Scientific Company  
Thomas and Pauline Fitzpatrick  
Fleet Bank  
Foss Manufacturing Company, Inc.  
Senator Leo Fraser  
The Honorable Barbara C. French  
Mr. and Mrs. John Gikas  
Mary Stuart Gile, Ed.D.  
Good Shepherd Vicariate  
Eastern Rites Province



*Lew Feldstein & Steve Barba*

Mr. and Mrs. Bruce Keough  
Judith and Dr. John Ketterer  
Dr. William and Ann Larney  
Ledyard National Bank  
Karen A. Levchuck  
The Kenneth and Rachel Levine Charitable Trust

Dr. George and Carol Little  
Long Distance North  
Effie Malley  
Dr. Christopher T. and Wesley Maloney  
Marple Associates  
The Honorable Deborah McIlwaine  
Monadnock Paper Mills  
The Honorable Carol Moore

Rath, Young & Pignatelli, P.A.  
Donna Raycraft  
Republican Women's Club  
Barbara Hull Richardson  
Carol Rines  
Rockingham County Law Enforcement Officers Association  
St. Joseph's Hospital  
St. Paul's Church  
Jeffrey Salisbury  
Sanders Associates  
Sharon Schelzel  
Shapiro Trust Fund  
David and Nike Speltz  
The Shafmaster Company  
The Lou and Lutza Smith Charitable Foundation  
John P. Stabile II Family Foundation  
State of New Hampshire, Treasury Department  
Strafford County Community Action Committee, Inc.  
Dr. and Mrs. William Straughn  
The Honorable Doug Teschner  
Robert and Lucy Hodder Thompson  
Dennis Toth  
Tyco International, Ltd.  
United States Treasury  
The Gilbert Verney Foundation  
James and Lucinda Varnum  
The Honorable Mary Jane Wallner  
Michael and Leigh Walls  
Mike and Sharon Watson  
White Mountain Investment  
Gary C. Wiggan  
R. Wiggins  
Dr. Richard Wilson  
Margaret Yanco  
Yellow Freight  
Donald and Susan Zuckert

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***“New Hampshire is unique in the country in having its endowment supported by public and private funding.”***

— Lew Feldstein

---

Greater Piscataqua Community Foundation  
Martin and Caroline Gross  
Hampton Machine Company  
Phillip Harris  
Paul Holloway  
Senator Ralph Hough  
Import/Impex, Inc.  
Harold W. and Elizabeth Janeway  
Judith A. and Frank H. Jellinek  
Johnson & Dix Fuel Corporation  
Senator William Johnson  
David Jones  
Kenneth Jones  
Keene Chamber of Commerce  
Ruth E. Keith  
Senator Richard E. Kennedy

Gustavo Moral  
NH Dietetic Association, Inc.  
NH Order of Women Legislators  
NH Cosmetology Associates  
NH Council of Churches  
Martha T. Nickerson  
Sharon and Dr. Richard Nordgren  
Northern Fiber Glass Company  
Noyes Fiber Systems, Inc.  
Willis and Linda Ottery  
Luzanne Pierce  
Senator Eleanor Podles  
Patricia Pollard  
Phillip Pratt  
Project Seed  
Public Service Company of NH  
John and Emily Quinn

• MARGUERITE'S PLACE • MIDDLE GROUND STUDENT LOUNGE • MILFORD SCHOOL DISTRICT • MONADNOCK FAMILY SERVICES • MOVING COMPANY DANCE CENTER • NASHUA NETWORK • NASHUA PUBLIC HEALTH DEPARTMENT • NEIGHBORHOOD HEALTH CENTER/NASHUA • NETWORK NEW HAMPSHIRE • NEW GENERATION, INC. • NEW HAMPTON CHILD CARE CENTER • NH ASSOCIATION OF SCHOOL PSYCHOLOGISTS • NH COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE • NH COALITION FOR CITIZENS WITH DISABILITIES • NH FAMILY RESOURCE COALITION • NH MINORITY HEALTH COALITION • NH TASK FORCE ON CHILD ABUSE & NEGLECT/PREVENT CHILD ABUSE NH • NH TASKFORCE OF WOMEN & RECOVERY • NHTI CHILD DEVELOPMENT CENTER • NO. COUNTRY EDUCATION FOUNDATION • NORTH TRI-STATE COMMUNITY • NORTHEAST DELTA DENTAL • NORTHERN STRAFFORD COUNTY JUVENILE COURT • ODYSSEY HOUSE • OZANAM PLACE, INC • PARENT GUIDANCE CENTER • PAMI BAKER HOME HEALTH • PLANNED PARENTHOOD • PLYMOUTH AREA AD HOC COMMITTEE • PORTSMOUTH PRENATAL CLINIC • REGIONAL SERVICES & EDUCATIONAL CENTER • RESPONSE TO SEXUAL & DOMESTIC VIOLENCE • RIVERBEND COMMUNITY MENTAL HEALTH/PARENT-CHILD CENTERS • ROCHESTER AREA FAMILY SUPPORT • ROCHESTER CHILD CARE CENTER • ROCHESTER PARENT/CHILD CENTER • ROCHESTER VNA • ROCHESTER YOUTH SAFE HAVEN • SALEM FAMILY RESOURCES-SUCCESS BY 6 • SAU #23 • SEACOAST VNA • SEXUAL ASSAULT SUPPORT SERVICES • SEYMOUR OSMAN CC & YOUTH SAFE HAVEN • SOMERSWORTH YOUTH SAFE HAVEN • SOUTHERN DISTRICT YMCA • ST. DENNIS CHURCH • STATE LEADERSHIP TEAM • STRAFFORD COUNTY FOR KIDS • STRAFFORD LEARNING CENTER • SWIFT WATER GIRL SCOUTS • TASK FORCE AGAINST DOMESTIC & SEXUAL VIOLENCE • TRI-COUNTY CAPP • TRUSTEES OF DARTMOUTH - INJURY PREVENTION • TWIN RIVERS INTERFAITH CAREGIVERS • UNH COOPERATIVE EXTENSION • UPPER CONNECTICUT VALLEY HOSPITAL • UPPER ROOM • UPSTREAM • VNA HOSPICE OF SOUTHERN CARROLL COUNTY • VNA COMMUNITY SERVICES OF MANCHESTER • VNA OF VT & NH • VOICES AGAINST VIOLENCE • WEEKS MEDICAL CENTER • WHITE BIRCH COMMUNITY CENTER • WHITE MOUNTAIN COMMUNITY HEALTH CENTER • WHITE MOUNTAIN MENTAL HEALTH • WHOLE VILLAGE FAMILY RESOURCE CENTER • WINNESQUAM REGIONAL SCHOOL • WOLFEBORO AREA CHILDREN'S CENTER • YMCA OF MANCHESTER • YOUTH COUNCIL • YWCA OF MANCHESTER • YWCA OF NASHUA • CELEBRATING 20 YEARS OF STRENGTHENING FAMILIES IN NH

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1590-FN

**BILL TITLE:** repealing same sex marriage

**DATE:** February 9, 2010

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Thompson

Seconded by Rep. Hackel

Vote: 12-8 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: NO**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION on HB 1590-FN

BILL TITLE: repealing same sex marriage

DATE: February 9, 2010

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Amendments:

Sponsor: Rep.

OLS Document #:

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OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Thompson

Seconded by Rep. Hackel

Vote: 12/8 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

~~CONSENT CALENDAR VOTE:~~

~~(Vote to place on Consent Calendar must be unanimous.)~~

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

## JUDICIARY

Bill #: HB 1590 Title: repealing same sex marriage.  
 PH Date:       /      /       Exec Session Date: 02 / 09 / 10

Motion: ITL Amendment #:       

| MEMBER   | YEAS      | NAYS     |
|--|-----------|----------|
| Cote, David E, Chairman                            | Y         |          |
| Wall, Janet G, V Chairman                          | Y         |          |
| Potter, Frances D                                  | Y         |          |
| Hackel, Paul L                                     | Y         |          |
| Preston, Philip, Clerk                             | Y         |          |
| Richardson, Gary B                                 | Y         |          |
| Weber, Lucy M                                      | Y         |          |
| <del>Browne, Brendon S</del> <u>Read, Robin P.</u> | Y         |          |
| Nixon, David L                                     | X         |          |
| Thompson, Robert B                                 | Y         |          |
| Watrous, Rick H                                    | Y         |          |
| Rowe, Robert H                                     |           | N        |
| Elliott, Nancy J                                   |           | N        |
| DiFruscia, Anthony R                               | Y         |          |
| Mead, Robert D                                     |           | N        |
| O'Brien, William L                                 |           | N        |
| Hagan, Joseph M                                    |           | N        |
| Perkins, Lawrence B                                |           | N        |
| Silva, Peter L                                     |           | N        |
| Smith, William B                                   |           | N        |
| <b>TOTAL VOTE:</b>                                 | <b>12</b> | <b>8</b> |

# Committee Report

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REGULAR CALENDAR

February 11, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on JUDICIARY to which was referred HB 1590-FN,

AN ACT repealing same sex marriage. Having considered the same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Robert B. Thompson

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY  
COMMITTEE REPORT**

Committee: JUDICIARY  
Bill Number: HB 1590-FN  
Title: repealing same sex marriage.  
Date: February 11, 2010  
Consent Calendar: NO  
Recommendation: INEXPEDIENT TO LEGISLATE

**STATEMENT OF INTENT**

This bill takes away rights granted by this legislature last year. We already have loving committed couples married in New Hampshire. These couples and their children now enjoy equally the legal and societal benefits of marriage. There has been no detrimental impact to the State of New Hampshire. This bill is flawed and unjust.

Vote 12-8

Rep. Robert B. Thompson  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

**HB 1590-FN**, repealing same sex marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert B. Thompson for the **Majority** of JUDICIARY. This bill takes away rights granted by this legislature last year. We already have loving committed couples married in New Hampshire. These couples and their children now enjoy equally the legal and societal benefits of marriage. There has been no detrimental impact to the State of New Hampshire. This bill is flawed and unjust. **Vote 12-8.**

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR MAJORITY REPORT

HB 1590, repealing same sex marriage.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 12-8

REP. ROBERT B. THOMPSON

This bill takes away rights granted by this legislature last year. We already have loving committed couples married in New Hampshire. These couples and their children now enjoy equally the legal and societal benefits of marriage. There has been no detrimental impact to the State of New Hampshire. This bill is flawed and unjust.

REGULAR CALENDAR

February 11, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on JUDICIARY to which was referred HB 1590-FN,

AN ACT repealing same sex marriage. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Nancy J. Elliott

FOR THE MINORITY OF THE COMMITTEE

**MINORITY  
COMMITTEE REPORT**

Committee: JUDICIARY  
Bill Number: HB 1590-FN  
Title: repealing same sex marriage.  
Date: February 11, 2010  
Consent Calendar: NO  
Recommendation: OUGHT TO PASS

**STATEMENT OF INTENT**

The Minority believes that last year the Legislature made a mistake passing Gay Marriage. Legislators ignored the voice of the citizens of New Hampshire to attend to the desires of special interest activists. These activists would have us believe that Heterosexual Marriage and Gay Marriage are the same thing. Nothing could be further from the truth. The consummation of Gay Marriage cannot even be spoken of in polite society and a Gay Marriage is not valid without it. We have said that this new group of people are married because of these practices. This new marriage has nothing to do with fairness as two people that love each other but do not consummate, cannot be married. To the minority this is confusion and should not have been placed into law. The minority believes that it is time to recognize the error that was made and pass HB1590 to repeal Gay Marriage.

Rep. Nancy J. Elliott  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

**HB 1590-FN**, repealing same sex marriage. **OUGHT TO PASS.**

Rep. Nancy J. Elliott for the **Minority** of JUDICIARY. The Minority believes that last year the Legislature made a mistake passing Gay Marriage. Legislators ignored the voice of the citizens of New Hampshire to attend to the desires of special interest activists. These activists would have us believe that Heterosexual Marriage and Gay Marriage are the same thing. Nothing could be further from the truth. The consummation of Gay Marriage cannot even be spoken of in polite society and a Gay Marriage is not valid without it. We have said that this new group of people are married because of these practices. This new marriage has nothing to do with fairness as two people that love each other but do not consummate, cannot be married. To the minority this is confusion and should not have been placed into law. The minority believes that it is time to recognize the error that was made and pass HB1590 to repeal Gay Marriage.

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR MINORITY REPORT

HB 1590, repealing same sex marriage.

RECOMMENDATION: OUGHT TO PASS

REP. NANCY ELLIOTT

The Minority believes that last year the Legislature made a mistake passing Gay Marriage. Legislators ignored the voice of the citizens of New Hampshire to attend to the desires of special interest activists. These activists would have us believe that Heterosexual Marriage and Gay Marriage are the same thing. Nothing could be further from the truth. The consummation of Gay Marriage cannot even be spoken of in polite society and a Gay Marriage is not valid without it. We have said that this new group of people are married because of these practices. This new marriage has nothing to do with fairness as two people that love each other but do not consummate, cannot be married. To the minority this is confusion and should not have been placed into law. The minority believes that it is time to recognize the error that was made and pass HB1590 to repeal Gay Marriage.