

Bill as Introduced

HB 252-LOCAL - AS INTRODUCED

2011 SESSION

11-0887

08/10

HOUSE BILL

252-LOCAL

AN ACT

repealing provisions regarding applications for hawkers' and peddlers' licenses.

SPONSORS:

Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. McClarren, Hills 21;
Rep. LeBrun, Hills 26; Rep. Lambert, Hills 27; Rep. Avard, Hills 20; Rep. Cohn,
Merr 6

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill repeals certain provisions regarding applications for hawkers' and peddlers' licenses.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Eleven

AN ACT repealing provisions regarding applications for hawkers' and peddlers' licenses.

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

1 1 Hawkers and Peddlers Licenses; Penalties. Amend RSA 31:102-a to read as follows:

2 31:102-a Hawkers, Peddlers and Vendors. The governing board of a city, town or village district
3 may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant
4 vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or
5 take orders for merchandise from temporary or transient sales locations within a town or who go
6 from town to town or place to place within a town for such purposes. Any person who violates any
7 provision of such ordinance or regulation shall be guilty of a ~~[class B misdemeanor]~~ **violation**, and
8 each continuing day of violation after notice shall constitute a separate offense. A city, town, or
9 village district shall be specifically prohibited, however, from licensing or regulating a candidate for
10 public office in the process of obtaining signatures on nomination papers, who seeks to have the
11 candidate's name placed on the ballot for the state general election by submitting nomination papers
12 under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements
13 imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

14 I. Classification of licensees consistent with constitutional requirements of equal protection.

15 ***Application for such licensure shall include the presentation of a drivers license or***
16 ***identification card issued by the director of motor vehicles under the provisions of***
17 ***RSA 260:21. Such licensure shall be renewed annually with the payment of the an annual***
18 ***fee not to exceed \$10;***

19 II. Imposition of reasonable requirements, including fees, ***which shall not exceed \$10***, for
20 the issuance of a license; ***and***

21 III. ~~[Restrictions as to the areas of the municipality open to licensees and the hours and days~~
22 ~~of their operation; and~~

23 IV. ~~Other reasonable conditions and terms deemed necessary for public convenience and~~
24 ~~safety as the governing board determines]~~ ***Procedures for revoking such license should the***
25 ***licensee become a public nuisance.***

26 2 Repeal. RSA 31:102-b, relative to background checks for hawkers, peddlers, and vendors, is
27 repealed.

28 3 Effective Date. This act shall take effect 60 days after its passage.

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violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

I. Classification of licensees consistent with constitutional requirements of equal protection. ***Application for such licensure shall include the presentation of a drivers license or identification card issued by the director of motor vehicles under the provisions of RSA 260:21. Such licensure shall be renewed annually with the payment of the an annual fee not to exceed \$10;***

II. Imposition of reasonable requirements, including fees, ***which shall not exceed \$10***, for the issuance of a license; ***and***

III. ~~Restrictions as to the areas of the municipality open to licensees and the hours and days of their operation; and~~

~~IV. Other reasonable conditions and terms deemed necessary for public convenience and safety as the governing board determines] ***Procedures for revoking such license should the licensee become a public nuisance.***~~

2 Repeal. RSA 31:102-b, relative to background checks for hawkers, peddlers, and vendors, is repealed.

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

Amendments

NOT
ADOPTED

Amendment to HB 252-LOCAL

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17 *identification card issued by the director of motor vehicles under the provisions of*
18 *RSA 260:21. Such licensure shall be renewed annually with the payment of the annual fee;*

19 II. Imposition of reasonable requirements, including fees, for the issuance of a license; *and*

20 III. ~~Restrictions as to the areas of the municipality open to licensees and the hours and days~~
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24 *licensee become a public nuisance.*



2011-0163h

AMENDED ANALYSIS

This bill requires the presentation of a state issued license when applying for a hawkers and peddlers license.

This bill repeals provisions relative to background checks for hawkers, peddlers, and vendors.

Rep. Mirski, Graf. 10
February 3, 2011
2011-0169h
08/10

Amendment to HB 252-LOCAL

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

2

3 AN ACT relative to hawkers and peddlers licenses.

4

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

6

7 1 Hawkers and Peddlers; Penalties. Amend the introductory paragraph of RSA 31:102-a to read
8 as follows:

9 31:102-a Hawkers, Peddlers, and Vendors. The governing board of a city, town, or village
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21 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 252-LOCAL
- Page 2 -

2011-0169h

AMENDED ANALYSIS

This bill makes a person violating a local ordinance regarding hawkers or peddlers licenses guilty of a violation.

NOT
ADOPTED

*

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

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Amendment to HB 252-LOCAL
- Page 2 -



2011-0169h

AMENDED ANALYSIS

This bill makes a person violating a local ordinance regarding hawkers or peddlers licenses guilty of a violation.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 252-L

BILL TITLE: repealing provisions regarding applications for hawkers' and peddlers' licenses.

DATE: 2/3/11

LOB ROOM: 306 **Time Public Hearing Called to Order:** 10:30 AM

Time Adjourned: 12:00 PM

(please circle if present)

Committee Members: Reps. McGuire, Hawkins, Sytek, DaG, Gould, Pratt, Vita, Perkins, Winter, Bowers, P. Brown, Hansen, Proulx, P. Schmidt, Pilotte, Jeudy and Sullivan

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. McClarren, Hills 21; Rep. LeBrun, Hills 26; Rep. Lambert, Hills 27; Rep. Avard, Hills 20; Rep. Cohn, Merr 6

TESTIMONY

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

*Rep. Mirski – Prime Sponsor – Introduced amendment #2011-0169h.

Asked it to replace all bill

Changes consequence – changes from misdemeanor to a violation

Intends to introduce additional amendment that would repeal 31-102B relative to background checks for hawkers, peddlers, and vendors.

Rep. Accornero – Laconia – Opposed – Believes municipalities are best to deal with this issue.

Rep. Cohn – Merrimack – Supports – This RSA could regulate a lemonade stand.

Rep. Tilton – Laconia – Opposed – Laconia has authority to regulate motorcycle week - \$10 fee insufficient to cover extra costs to municipalities

Need ability to have background check – city problem not a state problem

Rep. Chris Christiansen – Opposed – No objection to misdemeanor to violation unless repeated

Interested in maintaining local control

Would support amendment 0169h

Rep. Parison – Supports (co-sponsor)

Recognizes need for amendment 0169h. Had originally supported limited fee, but not objected to losing this section.

Rep. Gaudia – Litchfield – Opposed – Does not apply to lemonade and farm stands – Not going from door to door

320:3 lists exemptions.

Up to the local municipality to make these determinations to provide public safety
Misdemeanor should not be changed to violation

Rep. Keans – Rochester – Opposed – Each community is doing things well within current statute.

Rep. Lambert – Litchfield – Co-Sponsor – Supports the bill
Licensee is owner of ice cream truck not driver
Opposed to background check unless everyone is checked

Rep. Infantine – Manchester – Opposed
In behalf of the Board of Mayor and Aldermen – Opposed
City has special events and sidewalk dining and wants to be able to regulate and request background checks where appropriate.

Rep. Robert Luther – Laconia – Opposed
Amendment 0163h – Speaking for Laconia – does not want misdemeanor to be changed to violation.
Should not impune to local municipalities revenue stream

Jeff Kellett - Commander State Policy Criminal Records Unit – Opposed
Opposed to changing misdemeanor to violation

Kenneth Erickson – Fire Chief – Laconia – Opposed
Motorcycle week licenses finance additional public safety services. Circa \$170K
Doesn't want to have to cancel motorcycle week
No advantages to Laconia but serious impact on New Hampshire tourism industry.

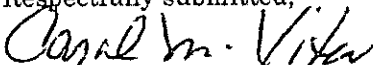
Tricia Piecuch – Deputy Clerk – Nashua – Opposed
Represents N.H. City and Town Clerks Association
Multiple _____ consequences to local municipalities in regard public safety and could affect costs of additional public safety issues.
Local municipalities control location restrictions.

Joseph O'Brien – Litchfield – Police Chief – Opposed
Needs local license and background check
Local control is fundamental
Police Chief makes decision and there is an appeal process.

Jason Lavoie – Police Chief – Hudson – Opposed
Current statute is good – Protects local communities options on how to ensure public safety.

Joanna Hoch – Opposed – Plaistow
Opposed to removing background check

Jennifer Anderson – Opposed –
Represents Laconia Motorcycle Week Association. - If motorcycle week is closed state will lose Rooms and Meals and Business taxes.

Respectfully submitted,

Carol M. Vita, Clerk

Maurice Pilotte, Asst. Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 252-L

BILL TITLE: repealing provisions regarding applications for hawkers' and peddlers' licenses.

DATE: 3/3/11

LOB ROOM: 306

Time Public Hearing Called to Order:

10:30 AM.

Time Adjourned:

12:00

(please circle if present)

Committee Members: Reps (McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, P. Brown, Hansen, Proulx, P. Schmidt, Pilotte, Judy and Sullivan)

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. McClarren, Hills 21; Rep. LeBrun, Hills 26; Rep. Lambert, Hills 27; Rep. Avard, Hills 20; Rep. Cohn, Merr 6

TESTIMONY

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

Amendment

Rep Mirski - Prime sponsor.
- Introduced amendment 01694.
- Asked it replace all bill.
- Changes consequence - changes from misdemeanor to a violation.
Intends to introduce additional amendment that would repeal 31-102B relative to background checks for hawkers, peddlers, and vendors. is repealed

Rep Accornero - Raconia - Opposed - Believes municipalities are best to deal w/ this issue.

Rep. Cohn - Merrimack - Supports - This RSA could regulate a lemonade stand. girl scouts sales etc.

Rep Tilton - Raconia - Opposed - Raconia has authority to regulate motorcycle week - \$10 fee insufficient for to cover extra costs to municipalities - Need ability to have background check - city problem not a state problem.

Licensing Sub-Committee

- * Rep Chris Christensen - Opposed -
- No objection to misdemeanor to violation unless repeated.
 - Interested in maintaining local control.
 - Would support amendment 0169h.

- Rep Parison - supports (co-sponsor).
- Recognizes need for amendment 0169h.
 - Had originally supported limited fee - but not objected to losing this section.

- * Rep Gaudin ^{Ritchfield} - Opposed -
- Does not apply to lemonade + farm stands -
 - Not going from door to door.
 - 320, 3 lists exemptions.
 - Up to the local municipality to make these determinations to provide public safety.
 - Misdemeanor should not be changed to violation -

- Rep. Kears - Rochester - Opposed
- Each community is doing things well w/in current statute.

- Rep Lambert - ^{Ritchfield} - Co-sponsor - Supports the bill.
- Licensee is owner of ice-cream truck not driver.
 - Opposed to background check unless everyone is checked -

Rep Infantino - Manchester - Opposed -
 - In behalf of the Board of Mayor + Aldermen - opposed Tues, Feb 1, 2011
 - City has special events + sidewalk dining & wants to be able to ~~control~~ regulate + request background checks where appropriate.

* Rep Robert Luther - Laconia - Opposed -
 Amend. 0163h Speaking for Laconia - Does not want misdemeanor to be changed to violation
 - Should not impune to local municipalities revenue stream.

Jeff Kellett ^{Criminal} ~~Records~~ ^{Unit} ~~background~~
 - ~~Check Unit~~ (opposed)
 - opposed to changing misdemeanor to violation -

* Kenneth Erickson Fire Chief - Laconia opposed
 - Motorcycle week licenses ^{public} safety services. finance additional circa \$170k
 - Don't want to have to cancel motorcycle week - No advantages to Laconia but serious impact on NH tourism industry.

Tricia Piecuch - Dept Clerk Nashua -

- Represents N.H. city & town clerk association ^{opposed}.
- Multiple unwanted consequences to local municipalities in re public safety + could affect ~~financial~~ costs of additional public safety issues
- Local municipalities control location restrictions.

Joseph O'Brien - Pittsfield Police Chief ^{opposed}.

- Needs local license + background check -
- Local control is fundamental -
- Police Chief makes decision + there is an appeal process.

Jason Lavoie - Police Chief Hudson ^{opposed}.

- Current statute is good - Protects local communities options on how to ensure public safety.

Joanna Hoch - ^{opposed} - (Plaistow)

- Opposed to removing background check -

Jennifer Anderson - ^{opposed} -

Asst Clerk
Maurice R.
Petto

- Represents Raconia Motorcycle Week Association.
- If close motorcycle week - state will close Rooms + Meals + Business taxes.

Sub-Committee Actions

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 252

BILL TITLE: repealing provisions regarding applications for hawkers' and peddlers' licenses.

DATE: 2/8/11

Subcommittee Members: Reps. Sytek, Bowers, Day, Schmidt, Vita

Comments and Recommendations:

Amendments:

Sponsor: Rep. Luther	OLS Document #:	2011	0163h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

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

Moved by Rep. Bowers

Seconded by Rep. Schmidt, Peter

Vote: 3-0

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Bowers
Subcommittee Chairman/Clerk



Amendment to HB 252-LOCAL

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2011-0163h

AMENDED ANALYSIS

This bill requires the presentation of a state issued license when applying for a hawkers and peddlers license.

This bill repeals provisions relative to background checks for hawkers, peddlers, and vendors.

Testimony

Representative Carol McGuire
Chair, Executive Departments and Administration Committee

5

February 3, 2011

Re: Opposition to HB252, Relative to Hawkers and Peddler's licenses

Dear Representative McGuire and Members of the Committee,

I come before you today in opposition to HB252 as introduced. The concerns I express are also the concerns of our local town officials.

There is no objection to changing from a misdemeanor to a violation, or with the changes in identification requirements.

The objection is to the state setting a fee on a license that is a local license, not a state permit. The state should not be determining such a fee.

Merrimack uses, for many purposes, what I will call an online fingerprint reader. My understanding is that it costs approximately \$20 per use. If that is part of the process, the state, with a \$10 fee, is forcing a loss on the Town.

In addition, there is objection to the removal of language that allows some reasonable control of the operations of vendors for reasons of public safety. Again, this is not an area where the state should be removing local authority.

I urge you to change misdemeanor to violation, and leave the rest of the law intact. As much as possible towns should be able to manage their own affairs.

Cordially,



Chris Christensen
State Representative
Hillsborough District 19
Merrimack, NH

7

The State of New Hampshire
Department of State



State House, Room 204, Concord, NH 03301
Phone: 603-271-3242 Fax: 603-271-6316
website: www.state.sos.nh.gov

**Application for a State Hawker and Peddler License
RSA 320**

Please type or print clearly:

1. Name of Applicant _____

2. Address _____

street

town/city _____ state _____ zip code _____

3. Mailing Address _____

(if different from no. 2)

4. Date of Birth: _____ Sex: Male Female Height _____ Weight _____

Color Eyes _____ Color of Hair _____

List any distinguishing characteristics or marks: _____

5. Give a general description of the merchandise you will be selling:

6. List any state(s) that you have ever been licensed as a hawker or peddler:

7. How long have you held such a license in your **HOME** state: _____

(This question to be answered by non-residents only)

8. Were you ever refused a hawker or peddler license or has your license ever been suspended, revoked or

canceled? _____ If so, by what states and when? (Give reasons) _____

TURN OVER →

9. Have you ever been convicted of a crime that has not been annulled by a court, other than minor traffic violations? Yes No If Yes answer the following: a. Nature of offense _____
b. Date of conviction _____ c. Sentence/Disposition _____

10. Have there been or are there now any suits or proceedings pending in any court; either at law or in equity, involving fraud, deceit or misrepresentation where the applicant was or is a party interested? If so, explain fully:

11. Have you ever been or are you now involved in any matters which affect your good repute or trustworthiness or have any relation to or bearing upon whether you are entitled to public confidence? If so, explain:

I understand that as a licensed hawker and peddler, my license restricts me to selling under the provisions of RSA 320, and that I must comply with all local ordinances, by-laws and regulations.

I swear that the foregoing statements made by me are true.

Signature of Applicant

State _____

County _____

On this _____ day of _____ 20__, personally appeared the above-named applicant and made oath that the foregoing statements made by him/her are true.

Notary Public/Justice of the Peace

(notarial seal)

Fee of \$50 must accompany this application

Persons exempt: Any soldier or sailor disabled in any war in which the U.S. has been engaged, or by sickness or disability contracted therein or since his discharge because of such service, or the widow of any soldier or sailor so long as she remains unmarried, or any citizen of N.H. over 70 years of age.



TOWN OF HUDSON

Police Department

Partners with the Community

1 Constitution Drive, Hudson, New Hampshire 03051
Voice/TTY (603) 886-6011/Crime Line (603) 594-1150/Fax (603) 886-0605

7



Jason J. Lavoie
Chief of Police

Captain Donald R. Breault
Support Services Bureau

Captain William M. Avery, Jr.
Operations Bureau

6 February 2010

Laura Gandia
3 Chamberlin Drive
Litchfield, NH 03052

Dear Laura;

I would like to thank you for presenting this information. Law Enforcement has a tool to keep our residents safe and we are not allowed to use it. Police Chiefs give permits to allow people to go door-to-door to solicit their goods. When a resident is provided a permit by the solicitor the resident feels a sense of security because their local police department authorized them to do so. Thus, the police department must have verified they are a safe person. Every time we approve a permit for someone to go door-to-door soliciting we ultimately could be approving a wanted criminal to enter your home.

By passing legislation on this you aren't giving law enforcement an opportunity to make more arrests; you're giving law enforcement an opportunity to keep New Hampshire residents safe. You're giving an opportunity to make a previous victim whole and allowing them to rest easily now that the person who preyed on them in the past is in custody.

I'm providing a couple case examples of incidents that happened locally. Unfortunately, I can not use names of people or provide their records as I would be committing a crime. However, I can present them to you as true case examples. Please keep in mind that the case examples I'm providing, criminal histories were only discovered because suspicious activity was brought to the attention of law enforcement.

Case 1: Hudson, NH Residence Given to Police: York, Pennsylvania
Arrest # 09-670-AR

Subject was selling magazines door-to-door. While moving his crew from one location to another he went speeding by a Hudson officer. Subject was arrested for:

1. Operating without a valid license. Never showed up for court.
 2. Disobeying a Police Officer. Never showed up for court.
- ** Bench warrants were issued on both charges.



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

Case 1 was able to make bail and was released. Just after he left our custody we received information via NCIC that Case 1 was wanted in other jurisdictions around the country with California willing to extradite all states. Case 1 was wanted on the following charges:

Out of Oregon:

1. Attempting to elude police – by vehicle
2. Unauthorized use of a motor vehicle
3. Attempting to elude police – by foot
4. Reckless Driving
5. Theft 1st Degree – Felony
6. Criminal Trespass 2nd Degree
7. Possession of Methamphetamine

Out of California:

1. Kidnapping 2nd Degree
2. Unauthorized use of a Motor Vehicle – 2 counts
3. Criminal Mischief 1st Degree
4. Burglary 2nd Degree

A second person was also arrested out of the vehicle Case 1 was driving. She was arrested for Hindering Apprehension. She too did not show up for court. She was also wanted out of Michigan for driving offenses.

Case 2: Hollis, NH Residence Given to Police: Phoenix, Arizona
Arrest Report # 09-105-AR

A Hollis police officer was investigating a suspicious activity case when they came across a woman going door-to-door. The woman told the officer she was making money for a charity called the “Manchester Children’s Home”. She was the only one in Hollis but there were other employees in Nashua, NH.

Case 2 was wanted out of Florida for:

- 1: Conspiracy to Commit Larceny. Florida had full extradition on Case 2

Hollis PD was able to make contact with the supervisor of Case 2. The supervisor was already aware of the arrest. He said he gathered up all his people and were getting out of the area. Phone calls to the Company owner went to a full voicemail box. In going through Case 2’s Triple III, it was learned she had been arrested in many parts of the country.

Case 3: Pelham, NH Residence Given to Police: Indianapolis



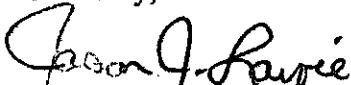
In July 2009, Pelham Police arrested Case 3. This person was going door-to-door selling magazines in Windham and Pelham. Case 3 was wanted on Felony charges of

1. Possession Of Cocaine
2. Robbery and Carjacking
3. Assault and Battery by Means of Strangulation

In June of 2008 Case 3 was also arrested by Lowell, Ma PD for prowling and assaulting two police officers.

Law Enforcement can only be effective if we are allowed to use the tools we are provided. We are not asking to be able to run every resident we come in contact with or who reside in our communities. We are asking to verify that people who are coming to our community uninvited be checked. These people are here for a few days and then gone tomorrow. The last thing I want to do as a law enforcement officer is give permission for criminals to go door-to-door selling goods or services without doing my best to ensure the safety of my community. This responsibility also lies with you.

Sincerely,


Jason J. Lavoie
Police Chief



A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

7

CONCORD MONITOR

Published on *Concord Monitor* (<http://www.concordmonitor.com>)

[Home](#) > Hawker's licenses are easy to get

Hawker's licenses are easy to get

By *Rebecca T. Dickson*
Created 05/22/2005 - 23:00

Last March, a Virginia man used an ice cream truck as a prop to lure and eventually molest a 10-year-old girl. In June, a 24-year-old Phoenix ice cream vendor raped and impregnated a 9-year-old girl. On Friday, the Allenstown police arrested the local ice cream man on charges he solicited sex from a 14-year-old boy.

Officials say, by far, most ice cream vendors aren't criminals. But in New Hampshire and elsewhere, no one's required to check. Anyone can pay \$50 for a state-issued hawker's and peddler's license, which is all that's needed to drive every kid's favorite truck in summer.

And that's the problem, the police said.

After Gary Brown, 34, of Pembroke, was arrested on felony prostitution charges Friday, his violent criminal record came to light. In 1990, he was found guilty of first degree assault for stabbing his former girlfriend 14 times in the neck, face and arms, according to news reports.

The police say Brown should never have been issued a peddler's license. State law says that such licenses can be revoked if the holder has a violent criminal record. But the same law does not require the secretary of state's office, which issues them, to check criminal backgrounds.

"Anyone - including sex offenders - can drive one of those (ice cream) trucks," said Lt. Shaun Mulholland.

Under the law, even if Brown is found guilty of the prostitution charge, he can buy another hawker's and peddler's license once he is released from prison.

"He can go to work selling ice cream in Manchester or Portsmouth or any place else and nobody would know the difference," Mulholland said. "The system is broken in many ways. It's got to be fixed."

In other parts of the country, peddler's licenses requirements are mixed. Even in states that do require background checks and fingerprinting, such as Arizona, officials are finding

that criminals are simply hitting the streets to vend without licenses.

That was the case with Adriene Cruz, 21, who was found guilty of raping and impregnating a 9-year-old Arizona girl last summer. He has since been sentenced to life in prison. Last August, The Arizona Republic reported unlicensed ice cream vendors were operating nearly unwatched.

The police and city officials there rely on those who want to operate ice cream trucks to apply for permits with the city, where they could be subject to fingerprinting and a background check. But many vendors simply take to the street, the newspaper reported.

"These are people that are going to interact with children dozens of times, so it's incredibly important that they are appropriately licensed," Phoenix Councilman Greg Stanton told the newspaper. "Beyond that, I don't know what could be done on a day-to-day basis."

In nearby Vermont, police Web sites encourage parents to accompany their kids to the ice cream truck. "This lure has been successfully used to abduct children," said the Williston, Vt., police department Web site. "Regardless of the warning to 'stay away from strangers,' many children are abducted and exploited every year. Why? Because predators are not always strangers."

The International Association of Ice Cream Vendors says it voluntarily requests motor vehicle reports and criminal background checks on prospective vendors, according to a recent report from WVEC Channel 13 in Virginia. But the association also acknowledged that not all ice cream truck drivers are members of the organization.

Back in Allenstown, Brown operates two ice cream trucks, which he drives on a route in that town and in Pembroke and Hooksett. It's unclear when he bought his state-issued hawker's and peddler's license. He also holds a similar license in the town of Pembroke, the police said.

Mulholland said the police will ask the court to revoke those licenses today.

By REBECCA T. DICKSON

Monitor staff

[NASHUA \(NH\)](#) [Crime](#) [Police](#)

Source URL: <http://www.concordmonitor.com/article/hawkers-licenses-are-easy-to-get>

Kenneth L. Erickson
Fire Chief City of Laconia
Licensing Board representing City Manager Eileen Cabanel

12

Home address: 1 Timber Lane Gilford, NH 03249
603-455-6881 LFDChief @ metrocast.net

Good morning,

House Bill 252 as written will have a devastating impact on the City of Laconia as well a significant financial impact on the State. Each year Laconia licenses hundreds of vendors during Motorcycle Week. The fees we charge directly offset the city's expenses to provide extra police, fire, EMS, health services, traffic control, and rubbish removal. The Motorcycle Week budget varies each year however in general we spend between \$180,000 and \$200,000. Our revenues must match our expenses. The lion's share of our revenue is from licensing vendors.

We license several hundred vendors, as well as entertainment, outdoor loudspeakers, temporary campgrounds and temporary parking. The vendor fees are \$450 for the event. If this bill passes as written the city would have three options:

1. find a way to make up approximately \$170,000 in lost fees; we cannot raise taxes.
2. Not provide extra services, which would be a public safety and health nightmare,
3. Cancel Motorcycle Week.

The only viable option is cancel Bike Week.

Motorcycle Week is one of the biggest, if not the biggest event in the State, drawing in hundreds of thousands of visitors for 10 days. Cancelling Motorcycle Week would be an enormous blow to the tourism industry as well as the States revenue stream. The City sees no profit from Motorcycle Week. The State would lose millions from loss of rooms and meals tax, liquor sales, and toll collections.

In addition to the proposal to limit fees the restriction on applications is not a good idea. We require the vendor to submit a detailed application. This provides us a minimal level of consumer protection. It also allows the City to determine what is being sold or displayed on our streets. In the past we have denied an application based on items being sold or displayed that are sexually explicit or even worse items that are racist, sexist, or bigoted. The courts have upheld these denials. To simply ask for a motor vehicle license as part of the application would open our city to offensive displays.

Licensing is a local issue as is the need to charge reasonable fees. Our fees have been scrutinized by the courts and have been upheld. Legal decisions have supported our argument that fees are reasonable to protect the public.

Please vote down House Bill 252.

*School bus drivers
EMTs
new hires*

*Background - neighborhood interaction of child,
carnival workers, door-to-door,
Farm sales, non-profits - exempt from fee
protected public from solicitation, illegal sales.*

**Representative Carol McGuire
Chair, Executive Departments and Administration Committee**

February 3, 2011

Re: Opposition to HB252, Relative to Hawkers and Peddler's licenses

Dear Representative McGuire and Members of the Committee,

I come before you today in opposition to HB252 as introduced. The concerns I express are also the concerns of our local town officials.

There is no objection to changing from a misdemeanor to a violation, or with the changes in identification requirements.

The objection is to the state setting a fee on a license that is a local license, not a state permit. The state should not be determining such a fee.

Merrimack uses, for many purposes, what I will call an online fingerprint reader. My understanding is that it costs approximately \$20 per use. If that is part of the process, the state, with a \$10 fee, is forcing a loss on the Town.

In addition, there is objection to the removal of language that allows some reasonable control of the operations of vendors for reasons of public safety. Again, this is not an area where the state should be removing local authority.

I urge you to change misdemeanor to violation, and leave the rest of the law intact. As much as possible towns should be able to manage their own affairs.

Cordially,



**Chris Christensen
State Representative
Hillsborough District 19
Merrimack, NH**

HB 252

Chief Joseph O'Brien

Hawkers and Peddlers

302

The current Hawklers and Peddlers law is a good law and should stay in effect. It allows for local control for communities in New Hampshire. It also provides a public safety piece by allowing communities to adopt a background procedure. This went into effect last year *BACKGROUND NOT MANDATORY*

When someone receives credentials from their communities there is an expectation from the citizens that some sort of check was done on the Hawker or peddler. This new law will eliminate this. Especially during the economic downturn the probability of scam artist and cons to try to fleece residents out of their money is on the rise.

Litchfield has several + 55 communities that have the potential to become targets of these scams.

Expectation of Privacy. If someone want to do business from their homes that is fine, however when someone want to go door to door and enter into residences as part of their business then a background check is important.

The current system WORKS.

~~Somebody~~ *The same* in past debates such as ; Little kids that have a lemon aid stand have to have a permit, Boys and Girl Scouts selling cookies etc.... This is not true. *These have been addressed*

~~Finger print cards are saved and entered into the Federal System and there are secret files on applicants. This is not true. In speaking with Jeff Kellett from NCIC this is not true. The fingerprint cards are destroyed.~~

This new law would take away local control away from communities by limiting what they can charge and the exclusion of background checks.

We have arrested numerous subjects in Litchfield who were Peddling. The charges ranged from Drug warrants in Tennessee, Warrants for escape in Alabama, and previous convictions for Robbery. This new law will allow these type of people access to your loved ones with absolutely no checks or the ability to conduct a background check.

This takes away law enforcement's ability to conduct background checks.

The only way to conduct a proper background and least invasive is to submit to fingerprinting.

LITCHFIELD REQUIRES ALL DRIVERS HAVE A RECORD CHECK. THAT IS WHERE LOCAL CONTROL IS ESSENTIAL.

GRIEVANCE PROCESS BY TOWN BOS. IS OUR CHAIRS AND BEHAVIOR IN LITCHFIELD

CONCORD MONITOR

Published on *Concord Monitor* (<http://www.concordmonitor.com>)

[Home](#) > Ice cream truck driver behind bars

Ice cream truck driver behind bars

By *Anne Ruderman*

Created 05/23/2005 - 00:00

Allenstown

He faces arraignment on bail jumping, prostitution

ALLENSTOWN - A local ice cream man accused of soliciting sex from a 14-year-old boy was back behind bars late Saturday night, after violating his bail conditions less than 24 hours after his release.

Gary Brown, 34, of 43 Front St., Pembroke, was arrested Friday on felony prostitution charges, after the police said he offered a local boy money in exchange for sex. He was released later that day, but ordered not to have contact with minors.

The police said Brown - who also served seven years in state prison for stabbing his former girlfriend 12 times in the neck, face and arms - was spotted Saturday afternoon at the Concord Wal-Mart parking lot with three teenage boys. It's unclear if Brown knew the boys or why he was with them, the police said.

Brown was arrested for violating the bail conditions at about 11:20 Saturday night at his parents' home at 6 Bow Center Rd in Bow. He was held without bail through the weekend at Merrimack County jail. Today, he will be arraigned at Concord District Court on one count of breach of bail, a Class B felony.

The police said they will also ask the court to revoke the initial \$25,000 bail and forfeit it to the state. A new bail amount will be set for the prostitution and breach of bail charges, the police said. If convicted, Brown now faces 3½ to 7 years in state prison for each charge.

On Friday, Judge Gerard Boyle reduced the prosecutor's request for \$50,000 cash bail, instead cutting the amount in half and allowing Brown to use collateral, also called corporate surety. Brown was free by 6 p.m. and at the Concord Wal-Mart less than 24 hours later.

A woman who recognized Brown from media coverage wrote down the license plate of Brown's silver 1998 Mercedes Benz, "ICECREM," and notified the Allenstown police.

Lt. Shaun Mulholland said yesterday that the Bow police had checked Brown's parents' address earlier on Saturday but could not locate him. Saturday night, when Bow and Concord officers returned, Brown was arrested without incident.

"We had serious concerns about the safety of children in the area," Mulholland said. "Everyone knows that people that commit these crimes do it more than once. This man has a history of violence."

In 1989, Brown was arrested for stabbing his girlfriend with a pair of scissors while they were arguing on the back steps of a residential hall at the University of New Hampshire, where she was a student.

UNH Deputy Police Chief Paul Bean said the girlfriend was sitting between Brown's legs on the steps of Devine Hall when he began attacking her with the scissors from behind.

The police took Brown at gunpoint, when he was ready to stab the girl again. The girl made a full recovery.

"Clearly (the officers) stopped Brown from inflicting what could have been a fatal stab," Bean said.

He was charged with attempted murder, but pled guilty of first-degree assault in Strafford County Superior Court, and was sentenced to 7½ to 15 years.

Bean said he wasn't surprised to see Brown in the news again.

"It doesn't shock me," he said.

Brown was paroled from state prison the first time on in August 1997, according to Jeff Lyons, spokesman for the state department of corrections. He violated his parole twice after that, in 1999 and 2003, and was then released from prison in November 2003. His parole ended a year later.

The police said Brown has two ice cream trucks and that he drives routes in Allenstown, Hooksett and Pembroke. It's unclear when he bought his state-issued hawker's and peddler's license, which is required to sell ice cream from a truck. He also holds a similar license in Pembroke, the police said. Neither requires criminal background checks.

Mulholland said the police will ask the court to revoke those licenses today. "Clearly, he is a dangerous person," he said.

A woman claiming to be the mother of one of the boys involved in the Wal-Mart incident said last night that her son had approached Brown in the Wal-Mart parking lot on Saturday, not the other way around.

The woman said her 14-year-old son was riding bikes in the parking lot with two friends when he spotted Brown and came over to say hello. The woman said her son worked for Brown's ice cream business last year, helping Brown load ice cream at night.

The woman, who lives in Pembroke, also said that Brown was a frequent visitor in her home, but added that she learned he had a criminal past only a few weeks ago.

By REBECCA T. DICKSON and ANNE RUDERMAN

Monitor staff

This is from today's Telegraph:

Published: Friday, July 10, 2009

Salesman was on the run, police charge

PELHAM – A magazine salesman is going back to Indiana, because that's where he and his pending felony charges are from, Pelham Police report.

Keylon Andrews, 23, of Indianapolis, Indiana, was arrested Tuesday, police report, after a routine background check turned up warrants for possession of cocaine, robbery and assault battery by means of strangulation, Sgt. Michael Pickles reports.

Andrews was working as a door-to-door salesman in Pelham and Windham for Dynasty Sales, police report. As required, the company had sent its roster to police, and Andrews name rang bells in the records, Pickles wrote.

He was arrested on a fugitive charge, and arraigned Wednesday in Salem District Court.

July 9, 2009



Pelham police arrest magazine salesman on outstanding warrants

Jo-Anne MacKenzie

PELHAM — Pelham police arrested magazine salesman Keylon Andrews, 23, of Indianapolis Tuesday night on three felony arrest warrants out of Indiana.

Andrews was working as a sales representative for Dynasty Sales and had been selling magazines door-to-door in Pelham and Windham Monday and Tuesday, police said.

Andrews' name was run through a national database after Dynasty Sales forwarded the names of its sales staff to the two police departments.

Local police discovered Andrews was wanted on charges of cocaine possession, robbery/carjacking, and assault and battery by strangulation, all of out Indianapolis.

Police tried to locate Andrews during the day Tuesday, but couldn't find him. A Windham police officer did find most of the Dynasty Sales staff working in the area and was told they were on their way to Pelham to pick up Andrews in the area of Mammoth Road and Monument Hill.

"We were told by Windham PD; they learned he was wanted," Pelham police Lt. Brian McCarthy said. "He had left Windham and was in Pelham, and we arrested him."

Pelham police arrested Andrews just after 9:30 p.m. Tuesday. He was charged as a fugitive from justice and was arraigned yesterday in Salem District Court.

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Andrews is being held on \$10,000 cash bail. He did sign a waiver of extradition to go back to Indianapolis, which will happen as soon as local police hear from their counterparts in Indiana.

McCarthy said Dynasty Sales does have a hawkers and peddlers license, as required. He said local ordinances vary from town to town. Pelham has the companies come in, give police a list of the streets they will be selling on and a list of their employees, McCarthy said.

Magazine sales teams descend on Southern New Hampshire every summer. McCarthy said Pelham police try to work with the companies to avoid problems.

"As long as they have all the legal credentials and are operating within the law, we're fine with them," he said.

Residents are encouraged to call police if they are uncomfortable or have an issue with a specific salesman. Patrol officers make a point of being visible in the areas the sales teams are operating in, McCarthy said.

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EagleTribune.com, North Andover, MA 100 Turnpike St. North Andover, MA 01845

August 6, 2010



Be wary of door-to-door magazine sales crews, NH AG warn

By **Jo-Anne MacKenzie**
jmackenzie@eagletribune.com

The attorney general has issued an alert to residents about door-to-door magazine sales operations throughout New Hampshire.

Attorney General Michael Delaney's words of caution were echoed by local police officials, some of whom have had direct experience with aggressive salespeople, salespeople with criminal backgrounds and residents concerned about the tactics they sometimes employ.

Delaney was specific in his warning about American Circulation Enterprises, which is known to be operating now in New Hampshire. Salem police Sgt. Joel Dolan said the company checked in at the station Wednesday night to alert police they would be going door to door in town.

Salespeople often represent themselves as neighbors or college students working to earn money for school, Delaney said, but many of those individuals "have come from out of state and are not college students." "That is definitely their ploy," Dolan said. "They tell everybody they're trying to make money to go to college."

The attorney general also warned the company charges subscription fees "far in excess of the actual cost of the subscription."

While Salem did have problems with magazine sales personnel earlier this summer, it has been quiet lately, according to Dolan. But he cautioned residents to be aware of the potential sales techniques and risks.

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"They can be very pushy," he said of the sales people. "We tell people to just use the precautions they would with any stranger. ... Some have criminal records."

In May, Salem police arrested four men on a variety of charges after police received many calls from residents reporting aggressive door-to-door sales. The day before those arrests, police had picked up 11 other individuals for the same reason. None of those salespeople had the necessary hawkers and peddlers permits and many had outstanding arrest warrants in other states.

Dolan urged residents to call police at 893-1911 if they have concerns and to see whether the individuals had a valid hawkers and peddlers permit.

On Sept. 11, House Bill 1267 will go into effect, changing the classification of offenses under the state's hawkers and peddlers license law from a violation to a Class B misdemeanor. Anyone selling merchandise from a temporary location is required to get a state permit.

Many municipalities also have ordinances that require peddlers to get a local permit, too.

That's the case in Pelham, where police haven't seen any problems yet this year, but did last summer.

In July 2009, Pelham police arrested a man from Indianapolis, who was selling magazines door to door in Pelham and had three outstanding felony arrest warrants in Indiana.

Pelham police Lt. Gary Fisher said yesterday his department hasn't received any complaints this year.

In Pelham, itinerant sales people are required to get a local permit — \$50 for the first 30 days, \$25 for each renewal thereafter. Fisher said police ask magazine companies to notify them when they're in town and targeting a particular neighborhood, but he said police can't compel them to do so.

While it's been quiet this summer, Fisher did have words of caution for Pelham residents.

"My biggest advice would be, if they encounter any trouble with salesmen, to call us immediately," Fisher said.

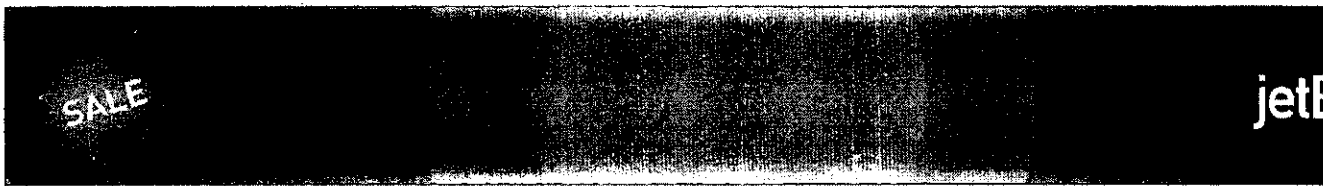
The Pelham dispatch center keeps a list of all current hawker/peddlers permits, he said. If a resident calls with concerns or complaints, the department usually sends an officer out to see whether the sales people have a valid permit. If they don't, they are shut down immediately, Fisher said.

"If residents are concerned, they should not to hesitate to call us, that's what we're here for," he said.

Delaney, too, encouraged residents to call their local police departments or the Consumer Protection Bureau at 271-3641 or 1-888-468-4454.


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Police arrest 'aggressive, rude' door-to-door salesmen

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Thursday, May. 28, 2009

SALEM – Police believe the nine door-to-door magazine subscription peddlers taken into custody on Wednesday for "extremely aggressive and rude" behavior may be connected with four salesmen arrested last year after an alleged late night assault.

Spurred on by complaints from residents, authorities made the arrests after learning that none of the nine solicitors had a required state hawkers and peddlers license, nor had they registered with the town or the police department. Police said none of nine arrested had positive identification, complicating the situation.

One of the men, William Freeman, 29, of Detroit, Mich., already had an outstanding warrant for his arrest in Portsmouth for allegedly giving officers in that community false information. He was being held on a \$250 cash bail, authorities said.

Another, Keyinna Jones, 20, of Baltimore, Md., has also been charged with false reports to law enforcement and is being held pending positive identification. Police also charged Lydia Thomas, 26, of Norristown, Pa., with operating a motor vehicle without a license. Thomas was released with a court summons.

► Four arrested after fight in Salem Wendy's parking lot (4)

According to Capt. Shawn Patten, residents complained that the magazine salesperson would not take no for an answer. In one incident, Patten said a salesperson tried to follow a resident into her home during the sales pitch.

While authorities have not learned who the nine salespeople work for, Patten said they may have been part of the same group or company as four other men arrested last summer.

On the night of June 26, officers took the four door-to-door magazine salesmen into custody after a passerby saw two of the men assaulting a third in the parking lot of a Wendy's restaurant on North Broadway Street. According to police, the man was refused dinner and then beaten by his supervisor and a co-worker for failing to meet his sales quota.

Though police believed the men were originally from Chicago and worked for Pargon Sales Midwest Clearing going door-to-door selling magazine subscriptions, none of them could produce positive identification, and they listed a Lowell, Mass., hotel as their residence.

The four had registered with Salem police per state law before their arrests, though authorities took steps to remove the group from the community and at the time urged residents and businesses to report any further contact with them.

Now police are taking similar measures, urging residents to contact department at 893-1911 if they are approached by a magazine salesperson. Police continue to try and verify the identifies of the nine arrested, Patten said.

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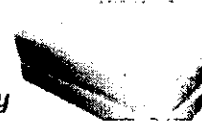
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ALLENSTOWN

Family defends ice cream man

He was approached, his parents say

By Rebecca T. Dickson / Monitor staff
May 24, 2005

The parents of the ice cream man accused of soliciting sex from an Allenstown boy say their son is innocent of the charge and another that he violated bail conditions barring him from contact with minors.

Gayle and Don Brown of Bow say their 34-year-old son would never harm a child and that the minors he was seen with at Wal-Mart on Saturday had approached him, not the other way around.

"The kids saw him and got all excited and ran to his car," Gayle Brown said. "He told them to shoo. My son should not even be here today. His life is ruined, and he never did a thing."

Gary Brown, formerly of Pembroke, was arrested Friday on felony prostitution charges. The police say that Brown offered a local 14-year-old \$50 in exchange for allowing him to perform oral sex. Brown gave the victim lollipops and instructed him not to tell anyone that he is bisexual and gives children money for oral sex, court papers allege.

Brown was released from jail Friday night but ordered not to have contact with anyone younger than 18. The next day, two residents who recognized Brown from media coverage reported seeing him with 12- and 13-year-old boys in the employee parking lot of Concord's Wal-Mart. He was arrested Saturday night at his parents' home in Bow on one count of breach of bail.

Yesterday, during Brown's video arraignment at Concord District Court, Judge Michael Sullivan set bail at \$150,000 cash.

In the afternoon, Hooksett District Court Judge Patricia Saddler found there was no probable cause for Brown's prostitution arrest, saying the complaint was written incorrectly. Prosecutors rewrote the charges and Saddler then set bail at \$60,000 cash. Brown, who attended the hearing but did not speak, was taken back to the Merrimack County Jail.

A second hearing, scheduled to request that Brown's initial \$25,000 bail be forfeited to the state, was dismissed because Saddler did not find probable cause on the charge that preceded it. Allenstown Police Chief Jim McGonigle explained it this way: As the prostitution complaint was written, the defense attorney successfully argued that it did not constitute a felony; the wrong section of the statute was cited.

Brown would have had to solicit the victim directly to engage in sexual activity in exchange for money, which was the offense wrongly cited. The defense attorney said the police weren't alleging Brown asked the victim directly, but that Brown had asked if he had any friends willing to exchange sex for money.

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A probable cause hearing for the new charges has not yet been scheduled. A trial for the breach of bail charge is scheduled for Aug. 10 at Concord District Court. The police also sent a letter to the secretary of state's office, requesting that Brown's hawkers and peddler's license, required to sell ice cream on his truck route, be revoked.

Brown has a criminal history that includes the 1989 stabbing of his former girlfriend in front of a University of New Hampshire residence hall. His parents, who said they used all their resources to gather the initial \$25,000 bail, said their son has been running his ice cream route in Allenstown, Pembroke and Hooksett since his release from prison in 1997.

"Gary is totally, totally innocent," Gayle Brown said. "He is in a state of shock. I understand he hurt that girl. He did his (prison) time and he never denied it. But he didn't do anything this time. He feels as if his whole life is ruined."

Don Brown, Gary's father, said the three boys who were seen with his son at Wal-Mart on Saturday later went to the police and reported it was not Gary Brown's fault he was with them. "Gary left immediately, but it was them coming to him," Don Brown said. "They didn't realize the seriousness of it."

Court papers say two witnesses at Wal-Mart reported Gary Brown was "amusing" the boys with stories and dancing. He had no bags from the store with him or in his car, said prosecutor Tracy Connelly. He told the two boys he wasn't supposed to have contact with minors and said they would need to "keep this quiet," Connolly said. "Then he went on to tell them stories about the stabbing and showed them the paperwork," which detailed his recent bail conditions. (next page >>)

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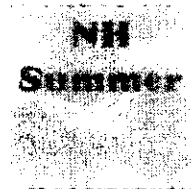
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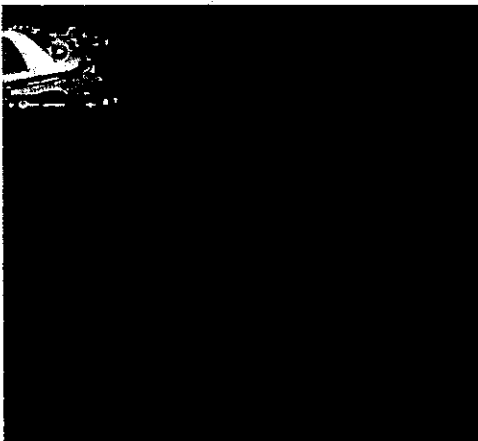
Homepage > NEW HAMPSHIRE NEWS

Door-To-Door Sales People Arrested

Police Arrest 10 In 2 Communities.

POSTED: 11:34 pm EDT June 1, 2009
UPDATED: 11:55 pm EDT June 1, 2009

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MANCHESTER, N.H. -- Police are sending out a warning about unlicensed sales people going door-to-door in New Hampshire apparently trying to sell magazines.

Over the weekend, Litchfield police escorted four unlicensed sales people out of town, and arrested one who was wanted in Alabama.

Nine out of state sales people were arrested in Salem last week for not being licensed.

Manchester police said they're receiving complaints about sales people walking around houses, even going into back yards.

Police said they don't know if there is any connection but they want residents to report unusual behavior.

Police said door-to-door sales people are required to register with the city or town, and must have a hawkers and peddlers license. Some communities also issue a photo ID That should be available for residents to see.

You can call to check on them before opening your door.

Tell Us More: [E-mail WMUR](#) your tips and story ideas.

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HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 252-L

BILL TITLE: repealing provisions regarding applications for hawkers' and peddlers' licenses.

DATE: February 16, 2011

LOB ROOM: 306

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. Bowers

Seconded by Rep. Hansen

Vote: 16-0 (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: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

Moved by Rep. BOWER

Seconded by Rep. HAUSON

Vote: (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. Carol Vita, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 2526 Title: _____

PH Date: 1/1 Exec Session Date: 2/16/11

Motion: ITC Amendment #: _____

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman	✓	
Sytek, John J	✓	
Day, Russell C	✓	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk	✓	
Perkins, Lawrence B	✓	
Winter, Steven J	✓	
Bowers, Spec	✓	
Hansen, Peter T	✓	
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	✓	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J		A
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

February 17, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred HB252-L,

AN ACT repealing provisions regarding applications for
hawkers' and peddlers' licenses. Having considered the
same, report the same with the following Resolution:

RESOLVED, That it is **INEXPEDIENT TO LEGISLATE**.

Rep. Spec Bowers

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB252-L
Title:	repealing provisions regarding applications for hawkers' and peddlers' licenses.
Date:	February 17, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

HB 252 perfectly illustrates that good intentions can produce bad unintended consequences. It would amend RSA 31:102-a regarding hawkers, peddlers, and itinerant vendors so as to reduce the fees for a local license and would repeal the requirement for a criminal background check. The testimony was overwhelmingly against the bill. Laconia Bike Week uses high fees to pay the town's costs for running this event. Parents and police demand the ability to do background checks of vendors who are in close contact with young children.

Vote 16-0.

Rep. Spec Bowers
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB252-L, repealing provisions regarding applications for hawkers' and peddlers' licenses.

INEXPEDIENT TO LEGISLATE.

Rep. Spec Bowers for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. HB 252 perfectly illustrates that good intentions can produce bad unintended consequences. It would amend RSA 31:102-a regarding hawkers, peddlers, and itinerant vendors so as to reduce the fees for a local license and would repeal the requirement for a criminal background check. The testimony was overwhelmingly against the bill. Laconia Bike Week uses high fees to pay the town's costs for running this event. Parents and police demand the ability to do background checks of vendors who are in close contact with young children. **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

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Rep. Bowers

Carol M. Guerin

