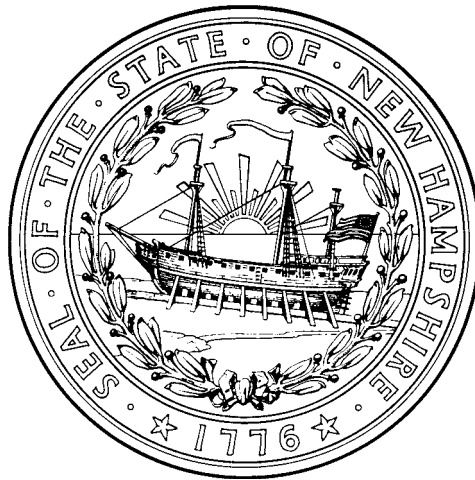


April 1, 2009  
Nos. 9-10

# **STATE OF NEW HAMPSHIRE**

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**161<sup>st</sup> Session of the New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 25, 2009 SESSION**

**COMMENCEMENT – APRIL 1, 2009 SESSION**

# SENATE JOURNAL 9 *(continued)*

*March 25, 2009*

## HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks concurrence of the Senate:

**HB 34**, prohibiting writing a text message while driving.

**HB 43**, relative to subdivision and site plan regulation waivers.

**HB 48**, establishing a committee on agriculture in the classroom.

**HB 63**, relative to the use of the term “farmers’ markets” in corporation names.

**HB 73**, relative to the solemnization of marriage.

**HB 78**, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

**HB 84-FN**, relative to the regulation of reflexologists, structural integrators, and Asian bodywork therapists.

**HB 90-FN**, relative to the employment of veterans on Veterans’ Day.

**HB 107**, making technical corrections to the law on taxation of farm structures and land under farm structures.

**HB 113**, extending the moratorium on nursing home beds and rehabilitation beds.

**HB 120-FN-L**, relative to the installation of carbon monoxide detectors in single and multi-family dwellings.

**HB 131**, relative to the juvenile justice advisory board.

**HB 143**, relative to procedures for requesting a change of school for a child.

**HB 149**, relative to benefit eligibility of certain members of the city of Manchester employees’ contributory retirement system.

**HB 154**, relative to truancy.

**HB 156-L**, authorizing planning boards to require third party review and inspection.

**HB 158**, relative to the membership on the healthy kids board.

**HB 161**, repealing protection of uncopyrighted compositions in state law.

**HB 167**, relative to the guidelines for revaluations used by the assessing standards board, and the adoption of rules for disciplinary standards for assessing officials.

**HB 170**, relative to reporting requirements for certain dedicated funds in the department of safety.

**HB 178**, naming a bridge on U.S. route 4 in Lebanon the Terri Dudley Bridge.

**HB 186**, relative to rulemaking concerning rafts on public waters and prohibiting the rental of a motorized watercraft to a person who does not have a certificate of boating safety education.

**HB 187-FN**, relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections.

**HB 193-FN**, establishing a fee for certification of reduced ignition propensity cigarettes.

**HB 199**, relative to the warning accompanying a document tendered to settle bodily injury claims subject to certain automobile insurance coverage.

**HB 204**, relative to discovery in driving while intoxicated cases.

**HB 214**, establishing a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers.

**HB 237**, relative to accident and health insurance short-term policies.

**HB 238**, relative to market conduct and enforcement.

**HB 247**, relative to the assistance of the state veterinarian with the investigation and enforcement of animal abuse laws.

**HB 250**, relative to access to information in the abuse and neglect of adults registry and relative to persons providing child care or child placing services who are charged with a crime.

**HB 255**, relative to the filing of statements of financial interest.

**HB 260**, relative to quieting title in certain trust circumstances.

**HB 273**, relative to submission of electronic data by municipal and county inspection stations.

**HB 279-FN**, relative to certain missing persons.

**HB 282-FN-A**, relative to meetings of the medical/vision advisory board.

**HB 290**, authorizing fluvial erosion hazard ordinances.

**HB 291-FN**, relative to a one day/one trial jury duty pilot program.

**HB 293**, amending the Hampton Beach area commission.

**HB 296-FN-A**, transferring funds related to oil discharge prevention and cleanup, and an oil fund performance audit.

**HB 301**, establishing a task force to study access to dental care.

**HB 302**, relative to the New Hampshire real estate practice act.

**HB 312**, permitting a person to record a law enforcement officer in the course of such officer's official duties.

**HB 314-L**, relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells.

**HB 315**, clarifying a law relative to junkyards within industrial areas.

**HB 317**, relative to conditional approval of nonpublic schools, residency requirements for grants under the New Hampshire incentive program, and scholarships for orphans of veterans.

**HB 319**, authorizing the Concord school district to amend its charter without prior legislative approval.

**HB 320-L**, relative to agreements between central business service districts and municipalities for infrastructure improvements.

**HB 322**, relative to the minimum age required to purchase fireworks.

**HB 332**, establishing a commission to study school discipline.

**HB 334-FN**, relative to consumer credit.

**HB 338**, relative to definitions of electronic waste.

**HB 342**, establishing a commission to study the juvenile court diversion law.

**HB 349**, relative to legislator email records.

**HB 350**, prohibiting the sale and distribution of household cleaning products containing phosphorus.

**HB 351**, relative to the interest rate on late and delinquent property tax payments and subsequent payments.

**HB 360**, relative to members of the general court participating in the state group health insurance plan.

**HB 363**, eliminating requirements for additional breath tests for blood alcohol content.

**HB 370**, relative to equality of treatment of victims of crime.

**HB 376**, relative to condominium association meetings.

**HB 378-FN-A**, relative to fees for methadone detoxification and maintenance programs.

**HB 384**, relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland.

**HB 395**, requiring electric utilities to offer renewable energy source options.

**HB 403**, clarifying the intent of a transfer of general funds to the highway fund.

**HB 408-FN**, relative to the regulation of physicians and physician assistants by the board of medicine.

**HB 414**, establishing a commission to study preventing dental disease among New Hampshire's children.

**HB 416**, relative to insurance examinations.

**HB 424-FN-A**, relative to the land use change tax.

**HB 429-FN**, relative to cider.

**HB 430-FN**, removing the statute of limitations on certain crimes committed in furtherance of murder.

**HB 433-FN-A**, relative to funding the law requiring reporting of hospital infections.

**HB 436-FN-L**, relative to civil marriage and civil unions.

**HB 437**, relative to the operation of the Chesterfield welcome and information center.

**HB 438**, relative to admission into evidence of certain medical bills, reports, and records.

**HB 443**, relative to underground storage facility operator training.

**HB 449-FN**, increasing the penalty for unlawful possession or release of criminal records.

**HB 459**, relative to access to restorative justice programs by victims of crime.

**HB 464-FN**, relative to certain duties of the department of administrative services and relative to credit card contracts for state agencies.

**HB 467-FN**, relative to the review and adjustment of child support orders.

**HB 471-FN**, relative to willful concealment and fraudulent retail transactions.

**HB 474-FN**, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation.

**HB 485**, establishing a committee to study enforcement of walking disability placard violations.

**HB 501**, relative to recovery of assistance by the department of health and human services.

**HB 502**, modifying the definition of "dam."

**HB 504**, relative to the termination of guardianship of a minor.

**HB 509**, requiring parental consent for psychological evaluations by school districts.

**HB 515**, establishing a commission to study alternate fuel vehicles.

**HB 518**, relative to driver's license application forms.

**HB 520**, establishing a commission to study the death penalty in New Hampshire.

**HB 527**, repealing the coordinated school health committee and relative to health education in kindergarten through grade 12.

**HB 529-FN**, relative to the healthy kids program.

**HB 530-FN**, relative to inspection of public buildings for compliance with access standards.

**HB 532-FN**, excluding extra or special duty pay from earnable compensation in the retirement system.

**HB 542**, relative to a health information exchange.

**HB 552**, renaming a bridge across the Connecticut River the Judge Harlan Fisk Stone Bridge.

**HB 556-FN**, repealing the death penalty.

**HB 570-FN-A**, requiring the department of transportation to convey ownership of Skyhaven airport to the Pease development authority.

**HB 572-FN**, relative to proceedings of medical injury claims screening panels.

**HB 574-FN-L**, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

**HB 578-FN-L**, relative to testimony by video teleconference.

**HB 580-FN**, relative to health information and patient rights.

**HB 585-FN**, relative to outdoor lighting efficiency.

**HB 586-FN**, relative to the presence of a law enforcement officer at an administrative license suspension hearing.

**HB 587-FN**, establishing an information and analysis center within the department of safety.

**HB 592-FN**, relative to “adverse events” in hospitals and ambulatory surgical centers.

**HB 599-FN**, relative to reclassification of the position of forensic toxicologist in the department of safety.

**HB 613**, establishing a committee to study the advantages and disadvantages of state acquisition of the remaining rail corridors.

**HB 614**, relative to domicile of students for voting purposes.

**HB 619**, relative to medical records and patient information.

**HB 621**, relative to establishing procedures for identifying criminal defendants who may have a mental illness.

**HB 635**, relative to raw milk yogurt.

**HB 641-FN-L**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

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

**HB 655-FN**, extending senior active status to judges over 70 years of age.

**HB 658-FN**, relative to housing assistance for recipients of Temporary Assistance to Needy Families (TANF).

**HB 680**, making technical changes in the insurance laws.

**HB 686**, relative to complaint procedures in cases before the commission for human rights.

**HB 688**, relative to the chartered public school approval process and relative to open enrollment schools.

**HB 690-FN**, establishing a cold case homicide unit.

**HB 694**, adopting the uniform child abduction prevention act.

**HB 695**, adopting the uniform child custody jurisdiction and enforcement act.

**HB 696-FN-L**, relative to fees for registration of criminal offenders.

**HCR 2**, endorsing the National Health Care Act.

**HCR 7**, in support of teen dating violence education.

**HCR 10**, urging modification of the North American Free Trade Agreement.

**HJR 2**, urging Congress to modify Medicare payments to enhance the compensation of primary care providers.

**HJR 3**, recognizing the historic milestone represented by the New Hampshire senate being the first legislative body in the United States with women as the majority of its members.

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

**HB 66**, relative to the legal age for blood donations.

**HB 223**, changing the effective date for the implementation of the retirement system employer assessments for excess benefits.

**Sen. D’Allesandro moved adoption of the Report of the Committee on Enrolled Bills.**

**Report of Committee on Enrolled Bills adopted.**

**Out of Recess.**

**MOTION TO ADJOURN FROM LATE SESSION**

Sen. Hassan moved that the Senate adjourn from the Late Session.

**Motion adopted.**

**Adjournment from the Late Session.**

# SENATE JOURNAL 10

*April 1, 2009*

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Canon Charles Lafond, chaplain to the Senate, offered the following meditative thoughts and prayer:

The most widespread theory of the origin of April Fool's Day is the switch from the old Julian calendar to the Gregorian calendar of the church which we're now using. In the late 16<sup>th</sup> Century, under Julian calendar rule, the New Year was celebrated near April 1<sup>st</sup>, but under Gregorian calendar it was moved to January 1<sup>st</sup>. So those who stubbornly kept to the old tradition were often mocked and jokes were played on them, which is how this all began.

A primary goal of the spiritual life is what we call "detachment," loosening our white-knuckled grip on things or people or ideas or convictions or calendars, or I suppose bills. The spiritual discipline posed by April Fool's Day is to be less sure about that which we are so very sure. Let us pray:

*God of all humility, you are constantly doing a new thing, constantly doing a new thing lived out in nature and in our lives. Help us to live with the tensions between holding high office and yet still embracing the humility to which you call us daily.*  
*Amen*

Sen. Bragdon led the Pledge of Allegiance.

**INTRODUCTION OF GUESTS AND PRESENTATIONS**

**GED adult students from Nashua Adult Learning Center .**

**Former Rep. Bill Field recognized by the President Larsen.**

**Senate Page: Megan Sanfacon, Spaulding High School.**

**COMMITTEE REPORTS**

**FINANCE REPORT**

**Sen. D'Allesandro reported that HB 56 does not need Finance Committee review.**

**SPECIAL ORDER**

**Without objection, President Larsen moved that HB 56 will be Special-Ordered to the Calendar for next session, April 8<sup>th</sup>, 2009.**

**HB 56, renaming a bridge to honor U. S. Navy Seal Daniel Healy.**

**CACR 11, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. Education Committee. Inexpedient to Legislate, Vote 4-2. Senator Merrill for the committee.**

**MOTION TO LAY ON THE TABLE**

**Sen. Merrill moved CACR 11 be tabled.**

**The question is on the motion to table CACR 11.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Bragdon.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan.**

**The following Senators voted No: Gallus, Roberge, Bragdon, Carson, Gatsas, Barnes, Fuller Clark.**

**Yeas: 16 - Nays: 7**

**Motion adopted.**

**LAID ON THE TABLE**

**CACR 11**, relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities.

**HB 74**, relative to student membership on a school board. Education Committee. Ought to Pass, Vote 6-0. Senator Bragdon for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 74.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**RESOLUTION**

**Sen. Reynolds offered SR 1**, requesting an opinion of the justices concerning the constitutionality of SB 21.

**The question is on the motion to Introduce SR 1.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.**

**Recess/Out of Recess.**

**The question is on the motion to Introduce SR 1.**

**A roll call had been requested and seconded.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 9**

**Motion to Introduce adopted.**

**INTRODUCTION OF SENATE RESOLUTION 1**

**SR 1**, requesting an opinion of the justices concerning the constitutionality of SB 21. (Reynolds, Dist. 2)

**SR 1 is before the Senate.**

**Sen. Reynolds moved Ought to Pass on SR 1.**

**The question is on the motion of Ought to Pass on SR 1.**

**Recess/Out of Recess.**

**The question is on the motion of Ought to Pass on SR 1.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Bragdon.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 9**

**Motion of Ought to Pass adopted.**

**SB 50**, relative to funds and programs of the department of environmental services. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 50.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 117**, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

**Energy, Environment, and Economic Development**  
**March 26, 2009**  
**2009-1076s**  
**04/01**

**Amendment to SB 117**

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall submit an interim report on or before November 1, 2009. The committee shall submit its final report on or before November 1, 2010 detailing its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2009.

**The question is on the adoption of Committee Amendment 1076s.**

**Committee Amendment 1076s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 117.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 124**, relative to beaver dams. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Odell for the committee.

**Energy, Environment and Economic Development**  
**March 26, 2009**  
**2009-1075s**  
**10/04**

**Amendment to SB 124**

Amend RSA 210:9, II and II-a as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding paragraph I or any other provision of law or rule of the executive director or the department of environmental services, a landowner, a landlord's employee, tenant, or caretaker, or any town or municipal or state official or employee, may destroy beaver [~~and~~], ***remove beaver dams, or install or have installed beaver pipes or beaver fences*** on property under their control to protect property, public highways, or bridges from damage or submersion [~~with the permission of the owner of lands affected, if applicable~~]. ***Dam removal shall be permitted if machinery does not enter the water or create any disturbance by filling or dredging to adjacent surface water, wetlands, or their banks. Removal shall be done in a gradual manner that does not allow a sudden release of impounded water so as to cause erosion, siltation, of a safety hazard downstream.***

***II-a. For purposes of paragraph II, the term "beaver pipes" means no more than 3 temporary structures with the widest dimension no larger than 15 inches that is placed in a beaver dam to allow water passage to maintain a desired water surface elevation, and the term "beaver fences" means posts and fencing installed at culverts in such a manner as to either encourage or discourage beaver damming against the fence.***

**2009-1075s**

**AMENDED ANALYSIS**

This bill provides conditions for the removal of beaver dams and the use of beaver pipes or beaver fences.

**The question is on the adoption of Committee Amendment 1075s.**

**Committee Amendment 1075s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 124.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 127**, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 127.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**



**SB 17**, relative to Selective Service registration upon driver's license application or renewal. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-2. Senator Cilley for the committee.

**Recess/Out of Recess.**

**The question is on the committee recommendation of Inexpedient to Legislate.**

**Motion of Inexpedient to Legislate failed.**

**Sen. D'Allesandro moved Ought to Pass.**

**Sen. Hassan offered Floor Amendment 1175s.**

**Sen. Hassan, Dist. 23**

**April 1, 2009**

**2009-1175s**

**09/01**

#### **Floor Amendment to SB 17**

Amend RSA 263:5-c, I as inserted by section 1 of the bill by replacing it with the following:

I. When applying for a driver's license or driver's license renewal, any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age ~~[may authorize]~~ **authorizes** the department to register him with the Selective Service System in compliance with the requirements of section 3 of the "Military Selective Service Act," 50 U.S.C. app. section 451 et seq., as amended. ***The application form for driver's license or driver's license renewal shall contain a provision which allows persons to opt out of automatic registration with the Selective Service System. The department shall notify the applicant of the legal effect of opting out, and shall notify the applicant that his decision to opt out of automatic registration shall not be a basis for denying driving privileges to the applicant.***

**2009-1175s**

#### **AMENDED ANALYSIS**

This bill updates the law relative to Selective Service registration upon driver's license application or renewal and allows persons to opt out of automatic registration upon driver's license application or renewal.

**The question is on the adoption of Floor Amendment 1175s.**

**Floor Amendment 1175s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 17.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**Sen. Cilley is in opposition to the adoption of Floor Amendment 1175s and the adoption of SB 17.**

**SB 132**, establishing a commission to study combining state agencies and programs to enhance efficiency and lower costs. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 132.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 156**, relative to the commission to study the creation of an animal care worker classification. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 156.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

(Sen. Hassan introduced her husband, Tom Hassan, who is visiting the Senate today.)

**SB 173**, authorizing the commissioner of corrections to accept certain gifts. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 173.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 178**, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

**Senate Executive Departments and Administration**  
**March 25, 2009**  
**2009-1047s**  
**04/09**

**Amendment to SB 178**

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

AN ACT relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

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

1 New Subparagraph; Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, II by inserting after subparagraph (h) the following new subparagraph:

(i) Be responsible for the operation of the special school district established under RSA 194:60 for the purpose of providing appropriate education services to eligible offenders held in facilities operated by the department.

2 New Paragraph; Department of Corrections; Internal Organizational Units. Amend RSA 21-H:4 by inserting after paragraph VI the following new paragraph:

VII. The director of community corrections, under the supervision of the commissioner, who shall:

(a) Direct and oversee departmental services for inmates preparing for release from institutional settings into the community.

(b) Direct and oversee departmental services for individuals under probation or parole supervision in order to achieve stability within the community and reduce recidivism.

(c) Operate and administer all transitional work and housing units where inmates are assigned for minimum security and work release.

(d) Serve as the primary liaison between the department and community-based service providers, state courts, and municipal, county, and state entities with common issues and responsibilities, including substance abuse and mental health issues.

(e) Work with the department of justice and other state and federal agencies to identify, secure, and manage grant funds to supplement services available to offenders under departmental supervision, including but not limited to housing and employment assistance, substance abuse treatment, mental health treatment, and medical and prescription services.

3 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend RSA 21-H:7, III to read as follows:

III. The salaries of the commissioner, assistant commissioner, professional standards director, director of security and training, **director of community corrections**, and the division directors of the department shall be as specified in RSA 94:1-a.

4 Department of Corrections; Status in Retirement System. Amend RSA 21-H:8-a to read as follows:

21-H:8-a [~~Assistant Commissioner~~]; Status in Retirement System. For purposes of classification under RSA 100-A, the assistant commissioner, professional standards director, **director of community corrections**, and director of security and training of the department of corrections shall be considered permanent policemen if such individuals were permanent police members of group II for at least 10 years prior to appointment in their respective positions, and continue to be certified as police officers under RSA 188-F:26 and 188-F:27.

5 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as follows:

Delete:

HH Department of corrections warden, Lakes Region facility

Insert:

GG Department of corrections director of community corrections

6 Repeal. RSA 21-H:4, I(c), relative to operation of the special school district by the department of corrections, is repealed.

7 Effective Date. This act shall take effect July 1, 2009.

**2009-1047s**

#### AMENDED ANALYSIS

This bill:

I. Provides that operation of the special school district for eligible offenders shall be a duty of the commissioner of the department of corrections.

II. Establishes the position of director of community corrections in the department of corrections.

III. Eliminates the position of warden of the Lakes Region facility.

IV. Is a request of the department of corrections.

**The question is on the adoption of Committee Amendment 1047s.**

**Committee Amendment 1047s adopted.**

**Sen. Cilley offered Floor Amendment 1138s.**

**Sen. Cilley, Dist. 6**

**March 31, 2009**

**2009-1138s**

**04/01**

#### Floor Amendment to SB 178

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-7 to read as 8-9, respectively:

6 New Paragraph; Commissioner and Other Department Officials; Appointment. Amend RSA 21-H:6 by inserting after paragraph IV the following new paragraph:

IV-a. The commissioner shall nominate for appointment by the governor, with the consent of the council, a director of community corrections who shall serve at the pleasure of the commissioner.

7 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend RSA 21-H:7, I to read as follows:

I. The commissioner, assistant commissioner, professional standards director, director of security and training, *director of community corrections*, and the division directors of the department shall be qualified to hold such positions by reason of education and experience.

**The question is on the adoption of Floor Amendment 1138s.**

**Floor Amendment 1138s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 178.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 190**, relative to race track cocktail lounge licenses. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Carson for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 190.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 198**, relative to the assessing standards board. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 198.**

**Motion of Inexpedient to Legislate adopted.**

**Sen. Reynolds is in opposition to the motion of Inexpedient to Legislate on SB 198.**

**SB 10-FN-A-L**, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

**Senate Finance**

**March 26, 2009**

**2009-1087s**

**06/01**

**Amendment to SB 10-FN-A-LOCAL**

Amend the bill by replacing section 1 with the following:

1 Appropriation; State Matching Funds for Federal Emergency Management Agency Flood Mitigation Assistance Grants. In response to May 2006 and April 2007 flood damage sustained by the neighborhoods of Riverside Drive and Albin Avenue in the town of Allenstown, subject to the approval of the governor and council, a sum not to exceed \$650,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2009, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the "Mothers Day Flood" of May 2006 and the flood of April 2007. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to the town of Allenstown. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2011.

**The question is on the adoption of Committee Amendment 1087s.**

**Committee Amendment 1087s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 10-FN-A-L.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 67-FN-A**, relative to funding certain AIDS services organizations. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator Sgambati for the committee.

**Senate Finance**

**March 26, 2009**

**2009-1084s**

**01/04**

**Amendment to SB 67-FN-A**

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

AN ACT relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

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

1 Human Immunodeficiency Virus; New Hampshire Care Program; Grants to AIDS Services Organizations. Amend 2007, 367:1 and 367:2 to read as follows:

367:1 Department of Health and Human Services; Human Immunodeficiency Virus [~~Prevention~~], *New Hampshire Care* Program. The department shall expend [~~the sums of \$500,000 in the fiscal year ending June 30, 2008 and \$500,000 in the fiscal year ending June 30, 2009~~] **50 percent of any newly appropriated unrestricted general funds in the state fiscal years ending June 30, 2010 and June 30, 2011** for the [~~human immunodeficiency virus prevention program~~] *New Hampshire Care program* in the department of health and human services for the purchase of antiretroviral drugs. The department shall fund the program from funds appropriated to the department [~~in the state operating budget in fiscal years 2008 and 2009~~].

367:2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall distribute [~~to the specified agencies the total sum of \$500,000 in the fiscal year ending June 30, 2008 and the total sum of \$500,000 in the fiscal year ending June 30, 2009 for grants~~] **the remaining 50 percent of any newly appropriated unrestricted general funds in the state fiscal years ending June 30, 2010 and June 30, 2011** to the following AIDS services organizations: a Community Resource Network (ACORN)

in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the Greater Manchester AIDS Project; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state operating budget [~~in fiscal years 2008 and 2009~~]. The awarding of such grants to the specified agencies by the department of health and human services shall be on a per capita basis. The administration of these grants by the department of health and human services shall follow the procedures established by the [~~Boston Public Health Commission AIDS Program, both for eligibility and billing~~] ***New Hampshire Care program.***

2 Operating Budget; Legislative Branch. 2009, 1:2 is repealed and reenacted to read as follows:

1:2 Operating Budget; Legislative Branch; Lapse of Appropriation. The legislative branch shall lapse \$700,000 to the general fund on June 30, 2009. The lapse required by this section shall be in addition to the reductions required by 2008, 296:3.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2009.

II. The remainder of this act shall take effect June 30, 2009.

**2009-1084s**

#### AMENDED ANALYSIS

This bill clarifies the funding for the human immunodeficiency virus through the New Hampshire Care program within the department of health and human services and certain AIDS services organizations.

This bill requires the legislative branch to lapse \$700,000 to the general fund on June 30, 2009.

**The question is on the adoption of Committee Amendment 1084s.**

**Committee Amendment 1084s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 67-FN-A.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 89-FN**, relative to unemployment overpayments. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

**Sen. Bragdon offered Floor Amendment 0722s.**

**Sen. Bragdon, Dist. 11**

**March 11, 2009**

**2009-0722s**

**01/04**

#### Floor Amendment to SB 89-FN

Amend the bill by replacing section 1 with the following:

1 Overpayments. Amend RSA 282-A:165 to read as follows:

282-A:165 Overpayments.

I. Any person who has received any benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled or while [he] ***the person*** was disqualified from receiving benefits shall be liable to repay to the commissioner such benefits all of which shall be considered to be overpayments unless such benefits were received by [him] ***the person*** solely through error or inadvertence of the commissioner or his ***or her*** authorized representative as defined by the rules of the commissioner.

**II.** No such overpayment shall exist unless a determination has been made by [a certifying officer] ***the commissioner or an authorized representative*** setting forth the facts causing the creation of the overpayment and notice of such determination has been sent to the claimant who may appeal in the manner set forth in RSA 282-A:42-68. Such determination shall be made within 2 years of the weeks affected thereby ***and shall include notice of the compromise process under RSA 282-A:29.***

[H-] **III.** The commissioner shall collect any overpayment created under this chapter by civil action in any manner provided for the collection of contributions in RSA 282-A:141-156 and shall withhold, in whole or in part as determined by the commissioner, any future benefits payable to the individual and shall credit such amount withheld against the overpayment until it is repaid in full.

**2009-0722s****AMENDED ANALYSIS**

This bill clarifies the issue of overpayments for certain recipients of unemployment compensation.

**The question is on the adoption of Floor Amendment 0722s.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.**

**Recess/Out of Recess.**

**The question is on the adoption of Floor Amendment 0722s.**

**A roll call had been requested and seconded.**

**The following Senators voted Yes: Gallus, Odell, Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau, Downing.**

**The following Senators voted No: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**Yeas: 9 - Nays: 14**

**Floor Amendment 0722s failed.**

**The question is on the motion of Ought to Pass on SB 89-FN.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Bragdon.**

**The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Gilmour, Lasky, Larsen, Barnes, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.**

**The following Senators voted No: Bragdon, Carson, Gatsas, Letourneau, Downing.**

**Yeas: 18 - Nays: 5**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 144-FN**, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator Hassan for the committee.

**Senate Finance**

**March 26, 2009**

**2009-1088s**

**06/09**

**Amendment to SB 144-FN**

Amend RSA 282-A:32, I(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:

(A) The individual relocated to escape the abuse; or

(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:

(i) A reduction in work force; or

(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse; **or**

***(4) The individual is separated from employment because he or she has become unable to perform some or all of his or her job duties due to an illness or injury that is not work-related or due to pregnancy, provided that a physician has attested to the individual's inability to perform work duties in a written notice. Nothing in this section shall relieve an employer of the duty to provide reasonable accommodation as that term is defined by state or federal law.***

*(5) The leaving of employment was necessary to allow the individual to accompany his or her spouse or civil union partner to a place from which it is impractical for the individual to commute due to a change in location of the spouse's or civil union partner's employment; or*

*(6) The leaving of employment was due to the illness or disability of a member of the individual's immediate family as those terms are defined by the Secretary of United States Department of Labor.*

Sen. Sgambati moved the question.

Without objection, President Larsen closed debate.

The question is on the adoption of Committee Amendment 1088s.

A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: Roberge, Bragdon, Carson, Gatsas, Barnes, Letourneau.

Yeas: 17 - Nays: 6

Committee Amendment 1088s adopted.

Sen. Hassan offered Floor Amendment 1162s.

Sen. Hassan, Dist. 23

April 1, 2009

2009-1162s

08/03

#### **Floor Amendment to SB 144-FN**

Amend the bill by replacing section 1 with the following:

1 Unemployment Benefit Eligibility. Amend RSA 282-A:32, I(a)(2)-(3) to read as follows:

(2) An individual terminates employment in good faith to accept better full-time employment, which is to begin within a reasonable period, and subsequently becomes unemployed from such employment due to unavailability of work before earning the requalifying wages set forth in this section. Notwithstanding any other provision of this chapter, such subsequent employer shall be deemed to be that individual's most recent employer; [or]

(3) The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:

(A) The individual relocated to escape the abuse; or

(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:

(i) A reduction in work force; or

(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer-employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;

*(4) The individual is separated from employment because he or she has become unable to perform some or all of his or her job duties due to an illness or injury that is not work-related or due to pregnancy, provided that a physician has attested to the individual's inability to perform work duties in a written notice. Nothing in this section shall relieve an employer of the duty to provide reasonable accommodation as that term is defined by state or federal law;*

*(5) The leaving of employment was necessary to allow the individual to accompany his or her spouse to a place from which it is impractical for the individual to commute due to a change in location of the spouse's employment; or*

*(6) The leaving of employment was due to the illness or disability of a member of the individual's immediate family as those terms are defined by the Secretary of the United States Department of Labor.*

The question is on the adoption of Floor Amendment 1162s.

Floor Amendment 1162s adopted.

The question is on the motion of Ought to Pass as Amended on SB 144-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Gatsas is in opposition to the motion of Ought to Pass as Amended on SB 144-FN.

Sen. Barnes is in opposition to SB 144-FN, Amendments 1088s and 1162s, and motion of Ought to Pass as Amended.

Sen. Carson is in opposition to the Floor Amendment 1162s on SB 144-FN.

**SB 182-FN-A**, establishing a job creation credit against the business profits tax and the business enterprise tax for businesses manufacturing energy efficient products. Finance Committee. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

#### **Senate Finance**

**March 26, 2009**

**2009-1086s**

**01/09**

#### **Amendment to SB 182-FN-A**

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

AN ACT establishing a committee to study business tax credits.

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

1 Committee Established. There is established a committee to study business tax credits and the revenues attributable to business tax credits and their effectiveness.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study business tax credits and the revenues attributable to business tax credits, including, but not limited to:

I. The community development finance authority investment tax credit under RSA 162-L:10.

II. The economic revitalization zone tax credit under RSA 162-N.

III. The research and development tax credit under RSA 77-A:5, XIII.

IV. The Coos county job creation credit under RSA 162-Q.

V. The business profits tax credit for insurance taxes paid pursuant to RSA 400-A under RSA 77-A:5, III.

VI. The credit for business enterprise taxes against the business profits tax under RSA 77-A:5, X.

VII. The net loss carry forward provisions under the business profits tax and the business enterprise tax.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.



5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2009.

6 Effective Date. This act shall take effect upon its passage.

**2009-1086s**

#### AMENDED ANALYSIS

This bill establishes a committee to study business tax credits and the revenues attributable to business tax credits and their effectiveness.

**The question is on the adoption of Committee Amendment 1086s.**

**Recess/Out of Recess.**

**The question is on the adoption of Committee Amendment 1086s.**

**Committee Amendment 1086s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 182-FN-A.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 43**, relative to including a parent's residence in the parenting plan. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 43.**

**Motion of Inexpedient to Legislate adopted.**

**SB 84**, relative to the unused prescription drug program. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

#### MOTION TO TABLE

**Sen. Houde moved SB 84 be laid on the table.**

**The question is on the motion to table SB 84.**

**Motion adopted.**

#### LAID ON THE TABLE

**SB 84**, relative to the unused prescription drug program.

**SB 88**, relative to recommendations of marital masters. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 88.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 201-FN**, relative to classification of misdemeanor offenses. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

**Senate Judiciary**

**March 25, 2009**

**2009-1040s**

**04/03**

#### Amendment to SB 201-FN

Amend RSA 625:9, IV(c)(2) as inserted by section 1 of the bill by replacing it with the following:

*(2) The state files a notice of intent to seek class A misdemeanor penalties on or before the date of arraignment. Such notice shall be on a form approved in accordance with RSA 490:26-d.*

**The question is on the adoption of Committee Amendment 1040s.**

**Committee Amendment 1040s adopted.**

**The question is on motion of Ought to Pass as Amended on SB 201-FN.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 128**, allowing municipalities to grant a property tax credit for low income persons owning residential property. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 2-1. Senator Roberge for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 128.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.**

**Recess/Out of Recess.**

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on SB 128.**

**A roll call had been requested and seconded.**

**The following Senators voted Yes: Cilley, Odell, Roberge, Barnes, DeVries, Letourneau, D'Allesandro.**

**The following Senators voted No: Gallus, Reynolds, Sgambati, Houde, Janeway, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Gatsas, Merrill, Downing, Hassan, Fuller Clark.**

**Yeas: 7 - Nays: 16**

**Motion of Inexpedient to Legislate failed.**

**Sen. DeVries moved to Re-refer to Committee.**

**The question is on the motion of Re-refer to Committee on SB 128.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.**

**The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Carson, Larsen, Barnes, DeVries, Letourneau, Merrill, Downing, Hassan.**

**The following Senators voted No: Gallus, Odell, Roberge, Bragdon, Gatsas, D'Allesandro, Fuller Clark.**

**Yeas: 16 - Nays: 7**

**Motion of Re-refer to Committee adopted.**

**HB 99**, relative to supervised driving time by persons completing driver education. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 99.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

#### **HOUSE MESSAGE**

The Clerk read the following House Message:

*The House of Representatives concurs with the Senate in the passage of the following entitled bill with an amendment, and the passage of which amendment the House asks the concurrence of the Senate:*

**SB 39-FN-L**, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009.

**Sen. DeVries recommends concurrence with House Amendment 0793h on SB 39-FN-L.**

**Recess/Out of Recess.**

#### **SPECIAL ORDER**

**Without objection, President Larsen moved that SB 39-FN-L will be Special-Ordered to the Calendar for next session, April 8<sup>th</sup>, 2009.**

**SB 39-FN-L**, relative to municipal deposits and special meetings for considering an appropriate response to the American Recovery and Reinvestment Act of 2009.

**MOTION TO ADJOURN FROM EARLY SESSION**

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

**Motion adopted.**

**Adjournment from the Early Session.**

**LATE SESSION****Third Reading and Final Passage**

**SB 10-FN-A-L**, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods.

**SB 17**, relative to Selective Service registration upon driver's license application or renewal.

**SB 50**, relative to funds and programs of the department of environmental services.

**SB 67-FN-A**, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

**SB 88**, relative to recommendations of marital masters.

**SB 89-FN**, relative to unemployment overpayments.

**SB 117**, establishing a committee to study the feasibility of establishing a program to provide low-cost firewood from state lands to low-income individuals.

**SB 124**, relative to beaver dams.

**SB 127**, making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities.

**SB 132**, establishing a commission to study combining state agencies and programs to enhance efficiency and lower costs.

**SB 144-FN**, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations.

**SB 156**, relative to the commission to study the creation of an animal care worker classification.

**SB 173**, authorizing the commissioner of corrections to accept certain gifts.

**SB 178**, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

**SB 182-FN-A**, establishing a committee to study business tax credits.

**SB 190**, relative to race track cocktail lounge licenses.

**SB 201-FN**, relative to classification of misdemeanor offenses.

**HB 74**, relative to student membership on a school board.

**HB 99**, relative to supervised driving time by persons completing driver education.

**ANNOUNCEMENTS**

SENATOR GILMOUR (Rule 44): I would like to ask my Senate colleagues, and to be entered into the permanent record, consideration in honor of Mabel Hill. Mabel died this past weekend. She's a native of New Hampshire, born and raised in Hollis and one of Hollis's last World War II veterans. As an Army nurse she served in Europe during World War II and then in Korea, and was in the military for her entire professional career. After retirement she did not give up the history of service and became one of the first hospice volunteers in the southern part of the state. And regardless of time of day or weather, Mabel would go and sit with people who were close to the end of their life and give their families some relief. I remember on one occasion when, during a terrible snowstorm, she called the volunteer fire department to come and get her and escort her to the home of a dying neighbor so she could spend the night and give the family some relief. She has been a stalwart of every patriotic event that has gone on in town, a lifelong member of the VFW, someone who has contributed to her community, and the community is at a loss without her. Thank you.

SENATOR REYNOLDS (Rule 44): A “44” to honor the passing of one of the selectmen in the Town of Dorchester, John Cote. Johnny was a Vietnam vet., and came from a very extended family, and many children, grandchildren and extended family members are mourning his loss. Johnny was on the board of selectmen for nine years; prior to that he had been involved in town affairs, was remembered as a loving and kind neighbor and friend to all, beloved in the Town of Dorchester. And I had the privilege of attending his remembrance service this past Saturday where we heard from many people in the town about Johnny always out there, willing to extend a hand to a neighbor. If somebody’s car broke down on Route 118 in Dorchester, between Dorchester and Canaan, which I can tell you is a long and lonely road for many residents, Johnny would be out there helping that neighbor get that car back on the road; if he saw somebody who needed some wood to be stacked, he was there. And he was a Vietnam veteran, served his country proudly. And I was very blessed to have the honor of being his state Senator and having the opportunity to get to know him, and he will be missed. And I’d like to have that entered in the permanent Journal. Thank you.

**Without objection, President Larsen moved that all Rule 44’s shall be entered into the permanent *Journal of the Senate*.**

#### **MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

**Motion adopted.**

**The Senate is in recess to the Call of the Chair.**