

# Journal of the House

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**Friday, February 10, 2012**

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Jonathan Spaeth, Kyle Boomhower, Michael Fraser and Mark Furland of Eagle Scout Troop 635 from Essex and Rep. Kevin Christie.

## **Memorial Service**

The Speaker placed before the House the following name of member of past sessions of the Vermont General Assembly who had passed away recently:

### **Paul U. Bergeron of Colchester**

House member in the Sessions of 1977 & 1979

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased members. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved families.

## **Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

**Josselyne Blakely of Barre**  
**Nina Brundage of Waterbury**  
**Isabel Colby of Wocester**  
**Thunder Keck of Montpelier**  
**Katherine Massell of Burlington**  
**Sally Matson of Burlington**  
**Ethan McCollister of Montpelier**  
**Elijah Ransom of Bethel**  
**Megan Walker of Cabot**  
**Gretchen Wright of Jericho**

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**Joint Resolution Placed on Calendar****J.R.S. 45**

By the Committee on Judiciary,

**J.R.S. 45.** Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service.

*Whereas*, Margaret Lucenti is an ardent adherent to the principle that civic participation is a societal duty, and

*Whereas*, this commitment to social justice resulted in her appointment as the original volunteer chair of the Vermont Commission on Human Rights, and

*Whereas*, Margaret Lucenti's desire to improve society inspired her to pursue political and electoral paths as Vice Chair of the Vermont Democratic Party and as a candidate for a seat in the Vermont House and Senate and the United States Congress, and

*Whereas*, on the local level, she has served as a justice of the peace in Montpelier and over the years presided at many weddings, and

*Whereas*, Margaret Lucenti, who has a steel-lined stamina, wished to continue participating in the workforce and be a contributor to the public policy process, even after she reached the typical retirement age, and

*Whereas*, to fulfill this worthy ambition, Margaret Lucenti sought employment as a committee assistant at the General Assembly, and deemed eminently qualified for this position, she was hired to work with the Senate Committee on Judiciary, a fitting assignment for a woman dedicated to the rule of law as an avenue to achieve social justice, and

*Whereas*, Margaret Lucenti proved an excellent choice as she performed her duties with great competence and punctuality and won the respect of all senators, regardless of their partisan persuasion, and

*Whereas*, the administrative details associated with scheduling and preparing meetings and hearings of the Senate Committee on Judiciary were always in the best possible hands under Margaret Lucenti's careful scrutiny and supervision, and

*Whereas*, other legislative staff always found her to be an invaluable colleague, a great friend, and a marvelous story teller, and

*Whereas*, although the rumor has long persisted that Margaret Lucenti would staff the Senate Committee on Judiciary indefinitely, even after Senator Alice Nitka accidentally locked Margaret Lucenti in the Senate Judiciary Committee vault, this superb committee staffer has decided that her 90th

birthday marks the moment to conclude her tenure to spend more time with her wonderful husband, Sal, children, grandchildren, and great grandchildren, and she will be truly missed, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly expresses its sincere appreciation to Margaret Luenti for her dedicated public service, and wishes her all the best, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to Margaret Luenti in Montpelier.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

**House Resolution Adopted**

**H.R. 16**

House resolution, entitled

House resolution commemorating the 39th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles

Offered by: Representatives Pugh of South Burlington, Haas of Rochester, Bartholomew of Hartland, Bohi of Hartford, Botzow of Pownal, Burke of Brattleboro, Buxton of Tunbridge, Campion of Bennington, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Head of South Burlington, Jerman of Essex, Jewett of Ripton, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Springfield, Masland of Thetford, McCullough of Williston, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Yantachka of Charlotte and Young of Glover

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Whereas, on January 22, 1973, in a landmark decision, the U.S. Supreme Court issued its historic ruling in Roe v Wade, affirming that women, not politicians, should make the most personal decision of when or whether to have children, and

Whereas, the constitutional right to abortion as embodied in Roe v Wade recognizes women's right to exercise reproductive choice, saves women's lives, and strengthens families, and

Whereas, prior to the Roe v Wade decision, thousands of American women died every year as a result of complications from unsafe and illegal abortions, and an untold number of women suffered grievous injuries, a situation that created a serious public health problem that has virtually been eliminated by providing access to safe and legal abortion, and

Whereas, it is a public health goal of the state of Vermont to protect and enhance the health of all Vermonters, including women of all ages, and to strengthen families by encouraging and promoting access to comprehensive family planning services, and

Whereas, violence against providers and restrictions against abortion endanger the lives of women and men, and have continued to erode access to abortion, and

Whereas, safe, legal, and accessible abortion services are still under attack, especially for women for whom English is a second language or who do not speak English at all, poor women, rural women, and women who are minors, and

Whereas, it is critical for the economic health of our country, and the personal health and happiness of American women, that the right of women and their families to make their own personal medical decisions about reproduction and gynecological issues be vigilantly preserved and protected, now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the right of every Vermont woman to privacy, autonomy, and safety in making personal decisions regarding reproduction and family planning, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Pending the question, Shall the House adopt the resolution? **Rep. Ram of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question,

Shall the House adopt the resolution? was decided in the affirmative. Yeas, 105. Nays, 29.

Those who voted in the affirmative are:

Ancel of Calais	Head of South Burlington	Myers of Essex
Aswad of Burlington	Heath of Westford	Nuovo of Middlebury
Atkins of Winooski	Hooper of Montpelier	O'Brien of Richmond
Bartholomew of Hartland	Howard of Cambridge	Olsen of Jamaica
Bohi of Hartford	Jerman of Essex	O'Sullivan of Burlington
Botzow of Pownal	Jewett of Ripton	Partridge of Windham
Browning of Arlington *	Johnson of South Hero	Pearce of Richford
Burke of Brattleboro	Johnson of Canaan	Pearson of Burlington
Buxton of Tunbridge	Keenan of St. Albans City *	Peltz of Woodbury
Campion of Bennington	Kitzmillier of Montpelier	Poirier of Barre City
Cheney of Norwich	Krebs of South Hero	Potter of Clarendon
Christie of Hartford	Kupersmith of South Burlington	Pugh of South Burlington
Clarkson of Woodstock	Lanpher of Vergennes	Ralston of Middlebury
Conquest of Newbury	Larocque of Barnet	Ram of Burlington
Consejo of Sheldon	Lawrence of Lyndon	Russell of Rutland City
Corcoran of Bennington	Lenes of Shelburne	Shand of Weathersfield
Courcelle of Rutland City	Leriche of Hardwick	Sharpe of Bristol
Crawford of Burke	Lewis of Berlin	Spengler of Colchester
Dakin of Chester	Lewis of Derby	Stevens of Waterbury
Davis of Washington	Lippert of Hinesburg	Stevens of Shoreham
Deen of Westminster	Macaig of Williston	Stuart of Brattleboro
Degree of St. Albans City	Malcolm of Pawlet	Sweaney of Windsor
Devereux of Mount Holly	Manwaring of Wilmington	Taylor of Barre City
Donovan of Burlington	Marek of Newfane	Till of Jericho
Edwards of Brattleboro	Martin of Springfield	Toll of Danville
Ellis of Waterbury	Martin of Wolcott	Townsend of Randolph
Emmons of Springfield	Masland of Thetford	Trieber of Rockingham
Evans of Essex	McAllister of Highgate	Waite-Simpson of Essex
Fisher of Lincoln	McCullough of Williston	Wilson of Manchester
Frank of Underhill	McFaun of Barre Town	Wizowaty of Burlington
French of Shrewsbury	Miller of Shaftsbury	Woodward of Johnson
French of Randolph	Mook of Bennington	Yantachka of Charlotte *
Gilbert of Fairfax	Moran of Wardsboro	Young of Glover
Grad of Moretown	Mrowicki of Putney	Zagar of Barnard
Greshin of Warren	Munger of South Burlington	
Haas of Rochester		

Those who voted in the negative are:

Acinapura of Brandon	Clark of Vergennes	Helm of Fair Haven
Batchelor of Derby *	Dickinson of St. Albans Town	Higley of Lowell
Bouchard of Colchester	Donaghy of Poultney	Howrigan of Fairfield
Branagan of Georgia	Donahue of Northfield	Hubert of Milton
Brennan of Colchester	Hebert of Vernon	Kilmartin of Newport City
Burditt of West Rutland		Koch of Barre Town *

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Marcotte of Coventry	Reis of St. Johnsbury	Smith of New Haven
McNeil of Rutland Town	Savage of Swanton	Strong of Albany
Peaslee of Guildhall	Scheuermann of Stowe	Turner of Milton
Perley of Enosburgh	Shaw of Pittsford	Winters of Williamstown

Those members absent with leave of the House and not voting are:

Andrews of Rutland City	Eckhardt of Chittenden	South of St. Johnsbury
Bissonnette of Winooski	Fagan of Rutland City	Webb of Shelburne
Canfield of Fair Haven	Klein of East Montpelier	Wright of Burlington
Condon of Colchester	Komline of Dorset	
Copeland-Hanzas of Bradford	Lorber of Burlington	
	Morrissey of Bennington	

**Rep. Batchelor of Derby** explained her vote as follows:

“Mr. Speaker:

Abortion is not family planning!”

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote yes to support this resolution. But I wish to make it clear that while I want abortions to be safe and legal, I would also like them to be very, very rare. I would like us all to work together to ensure that they are very, very rare, through better education through more effective use of contraception and family planning or abstinence.”

**Rep. Keenan of St. Albans** explained her vote as follows:

“Mr. Speaker:

Being a breast cancer survivor due to early detection, for all my sister and brother survivors and because women’s preventive health services are so important for all of society, I vote yes.”

**Rep. Koch of Barre** explained his vote as follows:

“Mr. Speaker:

I vote no, not because I don’t support Roe v. Wade – I do – but to protest this annual waste of time.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Mr. Speaker:

While I hope that we can always work toward reducing the number of abortions and the necessity for them, I support this resolution because it

supports the protection of the health and safety of women, which is a basic human right.”

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 157**

**Rep. Pugh of South Burlington** moved that the committee on Human Services be relieved of House bill, entitled

An act relating to restrictions on tanning beds

And that the bill be committed to the committee on Health Care, which was agreed to.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 595**

**Rep. Till of Jericho** moved that the committee on Health Care be relieved of House bill, entitled

An act relating to allowing 16-year-olds to donate blood

And that the bill be committed to the committee on Human Services, which was agreed to.

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time and passed:

**H. 565**

House bill, entitled

An act relating to regulating licensed lenders and mortgage loan originators;

**H. 754**

House bill, entitled

An act relating to the education property tax rate and base education amount for fiscal year 2013;

**H. 755**

House bill, entitled

An act relating to extending the deadline for adoption of certain health department rules;

**Adjournment**

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 14, 2012, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 44.

**Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

**H.C.R. 254**

House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team;

**H.C.R. 255**

House concurrent resolution urging the restoration of intercity bus service to Rutland City;

**H.C.R. 256**

House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system;

**H.C.R. 257**

House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states;

**H.C.R. 258**

House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate;

**H.C.R. 259**

House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary;

**S.C.R. 34**

Senate concurrent resolution in memory of former Representative Alice Cook Bassett;

**S.C.R. 35**

Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington;



**S.C.R. 36**

Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2012, seventy-second Adjourned session.]