

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and nine.

Volume 136, No. 22

Wednesday, March 4, 2009

Twenty-second Day

The House of Representatives meets at the State House in Providence, Wednesday, March 4, 2009 and is called to order at 4:06 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 3: Representatives Naughton, Sullivan, Walsh.

INVOCATION

The Honorable Speaker presents Representative Marcello who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Tuesday, March 3, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Eileen Naughton will be unable to attend session Wednesday, March 4, 2009 due to illness.

Representative Raymond Sullivan will be unable to attend session Tuesday, March 3 and Wednesday, March 4, 2009 due to a death in the family.

Representative Donna Walsh will be unable to attend session Wednesday, March 4, 2009 due to family illness.

APPOINTMENT

March 4, 2009

I hereby appoint Representative Amy Rice to serve as Deputy Majority Leader for the 2009-2010 Legislative Session.

William J. Murphy
SPEAKER

Received and placed on file.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Judiciary.

Senate Bill No. 221

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WHALE ROCK LAND COMPANY {LC835/1}

03/03/2009 Committee transferred to House Judiciary

COMMITTEE ON JUDICIARY

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

House Bill No. 5005

BY Pacheco

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (would authorize persons 16 and 17 years of age who preregister to vote to automatically be registered upon reaching age 18.) {LC112/1}

03/04/2009 Placed on House Calendar

House Bill No. 5094**BY** Fierro, Pacheco, Gablinske, Sullivan, Savage**ENTITLED**, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS
{LC274/1}

03/04/2009 Placed on House Calendar

House Bill No. 5184**BY** Williamson, Watson**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS
(would change the title of the "executive secretary" of the parole board to "administrator")
{LC686/1}

03/04/2009 Placed on House Calendar

House Bill No. 5325**BY** Ajello, Ruggiero, Kennedy, Lally, Giannini**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- CAUSES OF ACTION {LC832/1}

03/04/2009 Placed on House Calendar

House Bill No. 5421**BY** Newberry, Pollard, DeSimone, Marcello, Wasylyk**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY-PARTIES (would authorize any party to an action where a party
is sixty-five (65) years of age or older to request acceleration of the action to trial) {LC1067/1}

03/04/2009 Placed on House Calendar

House Bill No. 5812**BY** McNamara**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2057/1}

03/04/2009 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENTRepresentative Gallison, for the Committee on Municipal Government, reports back the
following measures, with recommendation of passage:**House Bill No. 5179****BY** Driver**ENTITLED**, AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE
CHARTER OF THE TOWN OF RICHMOND (would ratify certain provisions of the Home
Rule Charter of the Town of Richmond. {LC278/1}

03/04/2009 Placed on House Calendar

House Bill No. 5181**BY** Menard, MacBeth**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN
AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE
DISTRICT {LC606/1}

03/04/2009 Placed on House Calendar

House Bill No. 5182

BY Ruggiero, Rice A, Jackson

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN {LC655/1}

03/04/2009 Placed on House Calendar

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 4, 2009:

1 2009-H 5363

BY Dennigan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representative Gablinske.

Read and passed, on a roll call vote, 54 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Hearn, Jackson, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., San Bento, Savage, Serpa, Shallcross-Smith, Silva, Trillo, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Kennedy and Ucci request the journal to reflect that if they had voted on (09-H 5363), they would have voted in the affirmative.

2 2009-H 5367

BY McNamara

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representatives McNamara and Fox.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Kennedy and Ucci request the journal to reflect that if they had voted on (09-H 5367), they would have voted in the affirmative.

3 2009-H 5416

BY DaSilva

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representative DaSilva and many others members of the House.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Jackson, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Mattiello, McNamara, Melo, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Vaudreuil, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

REQUESTS

Representatives Kennedy and Ucci request the journal to reflect that if they had voted on (09-H 5416), they would have voted in the affirmative.

4 2009-H 5422

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representatives Lally, Gallison and many other members of the House.

Read and passed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 57: Representatives Ajello, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Vaudreuil, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

REQUESTS

Representatives Kennedy and Ucci request the journal to reflect that if they had voted on (09-H 5422), they would have voted in the affirmative.

5 2009-H 5487

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representative Lally and many other members of the House.

Read and passed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Martin, Mattiello, McNamara, Melo, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Vaudreuil, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

REQUESTS

Representatives Kennedy and Ucci request the journal to reflect that if they had voted on (09-H 5487), they would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Michael Rice a Happy Birthday.

Representative McNamara announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

Representative Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

Representative Carter announces that the Committee on Veterans Affairs will meet briefly at the rise of the House, in the House Chamber of the State House.

Representative Serpa congratulates Joseph Florio, Jr. on being honored by the Vince Lombardi Lodge #2357 of the Order of the "Sons of Italy in America".

Representative Mattiello introduces Anthony Ricci, a Junior at Bryant University who will be interning for him this session.

ADJOURNMENT

At 4:16 o'clock P.M. on motion of Representative Edwards, and as a further mark of respect to the memory of Andre Roy; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE MICHAEL MARCELLO

Lord, we have been given the power to control and regulate the lives of our fellow citizens. Give us the resolve to wield this power with discretion and dignity. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 10, 2009:

1. **2009-H 5271** as amended

BY Jackson

ENTITLED, HOUSE RESOLUTION REINSTATING AND EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE REQUIREMENTS FOR THE REMEDIATION OF NATURALLY OCCURRING ARSENIC IN SOIL

Committee on Constituent Services recommends passage as amended.

2. **2009-H 5272**

BY Dennigan

ENTITLED, JOINT RESOLUTION REINSTATING, EXTENDING, AND AMENDING THE MEMBERSHIP OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND

Committee on Constituent Services recommends passage.

3. **2009-H 5391**

BY Rice A

ENTITLED, HOUSE RESOLUTION HONORING PORTSMOUTH FIRE CHIEF JEFF LYNCH FOR THE HEROIC LIFE-SAVING MEASURES HE TOOK TO SAVE THE LIVES OF THREE PEOPLE INJURED IN A CAR CRASH IN FALL RIVER

Committee on Constituent Services recommends passage.

4. **2009-H 5005**

BY Pacheco

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Committee on Judiciary recommends passage.

5. **2009-H 5094**

BY Fierro

ENTITLED, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS

Committee on Judiciary recommends passage.

6. **2009-H 5184**

BY Williamson

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS

Committee on Judiciary recommends passage.

7. **2009-H 5325**

BY Ajello

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- CAUSES OF ACTION

Committee on Judiciary recommends passage.

8. **2009-H 5421**

BY Newberry

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY-PARTIES

Committee on Judiciary recommends passage.

9. **2009-H 5812**

BY McNamara

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10. **2009-H 5179**

BY Driver

ENTITLED, AN ACT RELATING TO THE RATIFICATION OF THE HOME
RULE CHARTER OF THE TOWN OF RICHMOND

Committee on Municipal Government recommends passage.

11. **2009-H 5181**

BY Menard

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING
CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF
THE CUMBERLAND HILL FIRE DISTRICT

Committee on Municipal Government recommends passage.

12. **2009-H 5182**

BY Ruggiero

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN

Committee on Municipal Government recommends passage.

Francis P. McCabe
Clerk of the House