

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. 36

Tuesday, April 7, 2009

Thirty-sixth Day

The House of Representatives meets at the State House in Providence, Tuesday, April 7, 2009 and is called to order at 4:11 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 74 members present and 1 member absent as follows:

PRESENT - 74: 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, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT - 1: Representative Kilmartin.

INVOCATION

The Honorable Speaker presents Representative Azzinaro 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 Thursday, April 2, 2009 is approved as printed.

ANNOUNCEMENT

Representative Peter Kilmartin is out of town and therefore unable to attend session Tuesday, April 7, 2009.

REPORTS OF COMMITTEES**COMMITTEE ON JUDICIARY**

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

House Bill No. 6037**BY** Coderre E

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Rene H. Perreault to join Michael Alex Camera and Lauren Elyse Costa in marriage within the Town of Narragansett, Rhode Island on or about June 22, 2009) {LC2328/1}

04/07/2009 Placed on House Calendar

House Bill No. 6039**BY** Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Phil Soder to join Joan M. McCaffrey and Frederick G. Boenig, Jr. in marriage on or about August 29, 2009 within the town of West Warwick, Rhode Island) {LC2337/1}

04/07/2009 Placed on House Calendar

NEW BUSINESS**House Bill No. 6085****BY** Palumbo, Corvese, Malik, McNamara

ENTITLED, AN ACT BUSINESSES AND PROFESSIONS - LOCKSMITH SERVICE BUSINESSES (adds locksmithing service businesses to the chapter regulating burglar and hold-up alarm businesses) {LC2313/1}

04/07/2009 Introduced, referred to House Corporations

House Bill No. 6086**BY** Gablinske, Gallison, Malik, Brien, Vaudreuil

ENTITLED, AN ACT RELATING TO EDUCATION (would limit to twenty-five hundred dollars (\$2,500) the amount paid to employees who waive health insurance benefits) {LC2351/1}

04/07/2009 Introduced, referred to House Finance

House Bill No. 6087**BY** Wasylyk

ENTITLED, AN ACT RELATING TO INSURANCE --INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE (would expand the definition of mental illness for insurance coverage to include eating disorders) {LC2348/1}

04/07/2009 Introduced, referred to House H.E.W.

House Bill No. 6088**BY** Lima, Wasylyk, Williams**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES (would prohibit any liquor licensee from knowingly allowing the use of its premises as part of an organized pub crawl) {LC2371/1}

04/07/2009 Introduced, referred to House Judiciary

House Resolution No. 6089**BY** Williamson, Serpa, Murphy**ENTITLED**, HOUSE RESOLUTION CONGRATULATING DAN SYLVESTER ON BEING INDUCTED INTO THE RHODE ISLAND BASKETBALL COACHES ASSOCIATION (RIBCA) HALL OF FAME {LC2404/1}

Representative Williamson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williamson seconded by Representative Serpa by unanimous consent, on a voice vote.

House Resolution No. 6090**BY** Edwards, Loughlin, Gallison, Gablinske**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE RHODE RAGE CLUB ON WINNING THE 2009 RHODE ISLAND FIRST TECH CHALLENGE AND THE 2009 RHODE ISLAND INSPIRE AWARD {LC2403/1}

Representative Edwards requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Edwards seconded by Representatives Loughlin, Gallison and Malik by unanimous consent, on a voice vote.

House Resolution No. 6091**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2434/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a rising vote.

House Resolution No. 6092**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2433/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a voice vote.

House Resolution No. 6093

BY Costantino, San Bento, Slater, Mattiello, Ehrhardt

ENTITLED, HOUSE RESOLUTION PROCLAIMING THE MONTH OF APRIL 2009 "FINANCIAL LITERACY MONTH" IN THE STATE OF RHODE ISLAND {LC2420/1}

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Read and passed on a motion of Representative Costantino seconded by Representative Trillo by unanimous consent, on a voice vote.

House Resolution No. 6094

BY Serpa, Murphy, Williamson, O'Neill JP, Vaudreuil

ENTITLED, HOUSE RESOLUTION CONGRATULATING FIRST SERGEANT JOHN-PAUL LANDROCHE ON HIS RETIREMENT FROM THE RHODE ISLAND ARMY NATIONAL GUARD AFTER MORE THAN TWENTY-ONE YEARS OF DISTINGUISHED AND DEVOTED SERVICE TO OUR NATION AND THE CITIZENS OF RHODE ISLAND {LC2438/1}

Representative Serpa requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Serpa seconded by Representatives Williamson, O'Neill, Sullivan and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 6095

BY MacBeth, Menard, Brien, Fierro, Baldelli-Hunt

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF RETIRED WOONSOCKET POLICE CHIEF WILLIAM J. SHEA {LC2427/1}

Representative MacBeth requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative MacBeth seconded by Representative Menard by unanimous consent, on a voice vote.

RULE 17

The following bills were received pursuant to Rule 17:

Representative Lima-An Act relating to alcoholic beverages.

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, APRIL 7, 2009:**1 2009-H 6084****BY Corvese****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the top of the Calendar for Wednesday, April 8, 2009.

Majority Leader Fox moves to recommit items 2, 3 and 4 to Constituent Services. There is no objection.

2 2009-H 5451**BY Pacheco****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - NEW ENGLAND PATRIOTS CHARITABLE FOUNDATION

Committee on Constituent Services recommends passage.

3 2009-H 5599**BY Kennedy****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES -- BOSTON RED SOX/JIMMY FUND LICENSE PLATES

Committee on Constituent Services recommends passage.

4 2009-H 5600 SUB A**BY Naughton****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES

Committee on Constituent Services recommends indefinite postponement of the original bill and passage of Substitute A.

Read and recommitted to the Committee on Constituent Services.

5 2009-H 6031**BY Ferri****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ST. MARY'S CHURCH**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Ferri.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Schadone requests the journal to reflect that if he had voted on (09-H 6031), he would have voted in the affirmative.

With the agreement of the Majority and the Minority, Representative Lally requests to bundle items 6-16 on today's Calendar. There is no objection.**6 2009-H 5990****BY Kilmartin****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

7 2009-H 6020**BY Lally****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

8 2009-S 12**BY Miller****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

9 2009-S 41**BY Walaska****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

10 2009-S 163**BY Connors****ENTITLED, AN ACT RELATING SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

11 2009-S 197**BY Perry****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

12 2009-S 265**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

13 2009-S 266**BY Paiva-Weed****ENTITLED, AN ACT RELATING SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

14 2009-S 577**BY DiPalma****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

15 2009-S 609**BY Levesque C****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

16 2009-S 615**BY Bates****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

Representative Lally moves passage of the bundle, seconded by Representative Fox.

Read and passed, (items 8-16 in concurrence), on a roll call vote, 68 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUESTS

Representatives Caprio and Segal request the journal to reflect that if they had voted on the bundle (items 6-16), they would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith.

ANNOUNCEMENTS

Representative Palumbo announces the Rolling Stone Magazine named the 1st place band in the Hot Nights in Austin South by Southwest Festival Breakouts was from Rhode Island and the singer is John Joseph McCauley III, son of Representative John McCauley.

Representative Loughlin and the Honorable Speaker Murphy wish Representative Edwards a Happy "51st" Birthday.

Representative Giannini announces that the Committee on Constituent Services will meet at the rise of the House, in Room 135 of the State House.

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 201 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 Kennedy announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House.

Representative Costantino announces all Representatives should have received the Budget at a 3rd Glance.

GUESTS

At 4:15 o'clock P.M. the Honorable Speaker Murphy introduces Coach Dan Sylvester, his wife Delia, his son Daniel, his daughter Ann Marie and his granddaughter Victoria. The Honorable Speaker yields the rostrum to Representative Williamson.

By unanimous consent, Representative Williamson addresses the members of the House and welcomes to the House Dan Sylvester and congratulates him on being inducted into the Rhode Island Basketball Coaches Association Hall Of Fame. Representative Williamson presents Coach Sylvester with a citation from the House of Representatives.

By unanimous consent, Coach Sylvester addresses the members of the House.

At 4:17 o'clock P.M. the Honorable Speaker returns to the rostrum.

At 4:20 o'clock P.M. the Honorable Speaker Murphy yields the rostrum to Representative Edwards.

By unanimous consent, Representative Edwards addresses the members of the House and welcomes to the House the Rhode Rage Club and congratulates them on winning the 2009 Rhode Island First Tech Challenge and the 2009 Rhode Island Inspire Award. Representative Edwards welcomes Richard Blight, mentor; Michael DeSousa, mentor and the Rhode Rage Team to the House Chamber.

At 4:22 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Williamson welcomes to the House Chamber as a guest Tim Stowers, former U.R.I. Football Coach.

ADJOURNMENT

At 4:43 o'clock P.M. on motion of Representative Giannini, and as a further mark of respect to the memory of Patricia Donnelly; on motion of Representative Edwards, and as a further mark of respect to the memory of Ann F. Fernandes; on motion of Representative Carter and as a further mark of respect to the memories of William E. Kelly, Janet I. Hirsch and James W. Gavigan; on motion of Representative MacBeth, and as a further mark of respect to the memory of William J. Shea; on motion of Representative Almeida, and as a further mark of respect to the memories of the 7 police officers killed within the last few weeks in the United States; seconded by Representatives Fox and Loughlin the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE SAMUEL AZZINARO

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen

TRANSMITTED TO THE GOVERNOR**Senate Bill No. 12****BY** Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Edward L. Rondeau to join John E. Picozzi and Laura Rogers in marriage on or about June 6, 2009 within the City of Newport, Rhode Island.) {LC140/1}**Senate Bill No. 41****BY** Walaska, Lynch, McCaffrey**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Scott Avedisian to join Tina Marie Travis and Christopher Michael Bajakian in marriage) {LC17/1}**Senate Bill No. 163****BY** Connors**ENTITLED**, AN ACT RELATING SOLEMNIZATION OF MARRIAGES (would allow the Honorable Gerald B. Resnick, Federal Administrative Law Judge to join Stephanie M. Lamarre and Matthew A. Resnick in marriage within the City of Providence, Rhode Island) {LC542/1}**Senate Bill No. 197****BY** Perry**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Gilbert Salk to join Lauren Salk and Ryan Buckley in marriage within the Town of Portsmouth, Rhode Island) {LC790/1}**Senate Bill No. 265****BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Mark Mckee to join Christina Conarroe and Brian Gould in marriage within the City of Newport, Rhode Island) {LC99/1}**Senate Bill No. 266****BY** Paiva-Weed**ENTITLED**, AN ACT RELATING SOLEMNIZATION OF MARRIAGES {LC250/1}**Senate Bill No. 577****BY** DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Elizabeth Hackett to join Jennifer Lynn Roediger and Rudolph Kevin Jindracek in marriage within the town of Richmond, Rhode Island) {LC811/1}**Senate Bill No. 609****BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Casey Parsons and Joseph Gill in marriage) {LC1983/1}

Senate Bill No. 615

BY Bates, Levesque C, Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Louis P. Cirillo to join Peter Joseph Alfano and Mary-Jo Pasqua Valentino in marriage within the Town of Bristol, Rhode Island on or about August 29, 2009) {LC1908/1}

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 8, 2009:

1 2009-H 6084**BY Corvese****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009

Ordered on the Calendar

2 2009-H 5340**BY Gallison****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- CEMETERIES -- VETERAN HEADSTONE MEMORIALS

Committee on Veterans` Affairs recommends passage.

3 2009-H 5237 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

4 2009-H 5110**BY Gablinske****ENTITLED,** AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING \$10,000,000

Committee on Municipal Government recommends passage.

5 2009-H 5681 SUB A**BY Rice M****ENTITLED,** AN ACT RELATING TO IN AMENDMENT OF AND IN ADDITION TO THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1883, ENTITLED "AN ACT TO INCORPORATE THE UNION FIRE DISTRICT OF SOUTH KINGSTOWN", AS AMENDED

Committee on Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

6 2009-H 5683**BY Lally****ENTITLED,** AN ACT RELATING TO AUTHORIZATION FOR SANITARY SEWER LINE FROM BONNET SHORES BEACH CLUB CONDOMINIUM TO TOWN OF NARRAGANSETT WASTEWATER TREATMENT SYSTEM

Committee on Municipal Government recommends passage.

7 2009-H 6005**BY Gemma****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Municipal Government recommends passage.

8 2009-H 6006**BY Gemma****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Committee on Municipal Government recommends passage.

9 2009-H 6013**BY Azzinaro****ENTITLED,** AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS OF THE TOWN OF WESTERLY

Committee on Municipal Government recommends passage.

10 2009-H 5986**BY Fox****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE

Committee on Environment and Natural Resources recommends passage.

IN ORDER FOR TUESDAY, APRIL 21, 2009:**1 2009-H 6037****BY Coderre E****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2009-H 6039

BY Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Tuesday, April 7, 2009