

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.**

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Volume 136, No. 38

Tuesday, April 21, 2009

Thirty-eighth Day

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The House of Representatives meets at the State House in Providence, Tuesday, April 21, 2009 and is called to order at 4:23 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

**PRESENT - 70:** The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Baldelli-Hunt, Caprio, Carnevale, 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, 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, Winfield.

**ABSENT - 5:** Representatives Almeida, Brien, Carter, Lima, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Corvese 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 Wednesday, April 8, 2009 is approved as printed.

**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 Finance:**

**House Bill No. 5891**

**BY** Corvese, Silva

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
AUTOMOBILE BODY REPAIR SHOPS {LC1681/1}

04/20/2009 Committee transferred to House Finance

**House Bill No. 5892**

**BY** Corvese, Silva

**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT  
PRACTICE ACT {LC1680/1}

04/20/2009 Committee transferred to House Finance

**House Bill No. 5893**

**BY** Corvese, Silva

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
AUTOMOBILE BODY REPAIR SHOPS {LC1679/1}

04/20/2009 Committee transferred to House Finance

**Representative Gallison, for the Committee on Municipal Government, reports back the following measures, with recommendation of transfer to the Committee on Finance**

**House Bill No. 5400**

**BY** Rice A, Gallison

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
DEPARTMENT OF TRANSPORTATION (would create the turnpike and bridge division within  
the department of transportation/It would increase the gasoline tax by one cent, and would  
dedicate that one cent to the restricted receipt account set up for the deposit of bridge tolls)  
{LC1191/1}

04/21/2009 Committee transferred to House Finance

**NEW BUSINESS****House Bill No. 6102**

**BY** Ucci

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - DEALERS',  
MANUFACTURERS', AND RENTAL LICENSES {LC2444/1}

04/21/2009 Introduced, referred to House Corporations

**House Bill No. 6103****BY** Williams, McNamara, Carnevale, Rice A, Kilmartin**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC2166/1}

04/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6104****BY** Segal, Williams**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES {LC1515/1}

04/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6105** (Attorney General)**BY** DaSilva, Carnevale**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT {LC2413/1}

04/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6106****BY** Almeida**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES {LC1516/1}

04/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6107****BY** Almeida**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES {LC1513/1}

04/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6108****BY** Edwards, Loughlin**ENTITLED**, AN ACT RELATING TO THE TOWN OF TIVERTON {LC2440/1}

04/21/2009 Introduced, referred to House Municipal Government

**House Bill No. 6109****BY** Gallison**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS {LC2425/1}

04/21/2009 Introduced, referred to House Municipal Government

**House Bill No. 6110****BY** Kilmartin, Lima, Almeida, Giannini, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS {LC2346/1}

04/21/2009 Introduced, referred to House Finance

**House Bill No. 6111****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
REGULATION OF BUSINESS PRACTICES AMONG MOTOR VEHICLE  
MANUFACTURERS, DISTRIBUTORS, AND DEALERS {LC2397/1}  
04/21/2009 Introduced, referred to House Corporations**House Resolution No. 6112****BY** Newberry, Loughlin, Menard, Malik, Ajello**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE 25 FRESHMEN AT  
NORTH SMITHFIELD HIGH SCHOOL FOR WINNING THE "WE THE PEOPLE"  
COMPETITION {LC2476/1}

Representative Newberry requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Newberry seconded by Representatives  
Loughlin, Menard and Fox by unanimous consent, on a voice vote.**House Resolution No. 6113****BY** Fox, Loughlin**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2486/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Loughlin by  
unanimous consent, on a rising vote.**House Resolution No. 6114****BY** Fox, Loughlin**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2485/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Loughlin by  
unanimous consent, on a voice vote.**House Resolution No. 6115****BY** Hearn, Murphy, Ajello, Malik, Schadone**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING  
OF MARY "HAPPY" WHITE {LC2482/1}

Representative Hearn requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 6116**

**BY** Murphy, Fox, Loughlin, Kilmartin, Watson

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING ASSISTANT ATTORNEY GENERAL DAVID PRIOR ON HIS RETIREMENT FROM THE RHODE ISLAND ATTORNEY GENERAL'S OFFICE AFTER TWENTY-THREE YEARS OF DISTINGUISHED AND DEDICATED SERVICE TO THE CITIZENS OF RHODE ISLAND {LC2473/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Loughlin, Watson, O'Neill, Ucci, Rice, DeSimone, Lally, Kilmartin, Flaherty and many other members of the House by unanimous consent, on a voice vote.

**TRANSMITTAL**

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

**RULE 17**

**The following bills were received pursuant to Rule 17:**

Representative Kilmartin-An Act relating to Public Property and Works

Representative Kilmartin-An Act relating to Motor and Other Vehicles

**COMMUNICATION**

The Honorable Speaker announces the receipt of the following communication:

Speaker William J. Murphy  
Rhode Island State House  
Room 323  
Providence, RI 02903

April 21, 2009

Re: absence from session

Dear Speaker Murphy:

Please be advised that I shall not be in attendance at the House session this afternoon. I have a conflict with scheduling as it relates to my preparation for an upcoming civil trial in the Kent County Superior Court and the House session.

Should you have any questions, please feel free to contact me at your convenience.

Thank you for your attention to this matter.

Very truly yours,

Representative Timothy A. Williamson  
Senior Deputy Majority Leader

Received and placed on file.

#### COMMUNICATION FROM THE SENATE

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

**Senate Bill No. 398**

**BY** Lenihan, Connors, Sheehan, Sosnowski, Ciccone

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (would prohibit waiver of the bonding requirements on contractors awarded contracts in excess of fifty thousand dollars by the department of transportation or department or administration) {LC1418/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 530**

**BY** Lenihan, Connors, Sheehan, Sosnowski, Ciccone

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES ( would prohibit waiving the bond requirements under chapters 37-12 & 37-13 to contractors awarded contracts in excess of \$50,000 by the DOT or DOA or by any state, city or town agency. This act would take effect upon passage.) {LC1416/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 531**

**BY** Lenihan, Connors, Sheehan, Sosnowski, Ciccone

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS ( would prohibit the waiver of the bonding requirement on contracts for public works in excess of fifty thousand dollars (\$50,000).) {LC1415/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 678** SUB A**BY** Lenihan, Sheehan**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would permit the property committee to hire or consult outside experts) {LC1417/1/A}

04/21/2009 Referred to House Finance

**Senate Bill No. 683** SUB A**BY** Lenihan**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would require that determinations made regarding state purchases be in detail and made available to the public) {LC1421/1/A}

04/21/2009 Referred to House Finance

**Senate Bill No. 829** as amended**BY** Lenihan, Blais, Ciccone, Levesque C, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC2279/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 830****BY** Sheehan, Levesque C, Blais, Lenihan, Ciccone**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES {LC2278/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 837** as amended**BY** Lenihan, Ciccone, Sheehan, Levesque C, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would add certain definition regarding "construction management at-risk" services to the state purchases chapter.) {LC2273/1}

04/21/2009 Referred to House Finance

**Senate Bill No. 23** SUB A as amended**BY** Tassoni**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS {LC9/1/A}

04/21/2009 Referred to House Judiciary

**Senate Bill No. 24****BY** Tassoni, McBurney, DiPalma, DeVall**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS {LC129/1}

04/21/2009 Referred to House Judiciary

**Senate Bill No. 800****BY** Walaska, Lynch, McCaffrey**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS (would increase the fines for violations of the dog ordinances in the City of Warwick.)

{LC2219/1}

04/21/2009 Referred to House Municipal Government

**Senate Bill No. 602****BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JAMESTOWN JUVENILE HEARING BOARD (would allow the town of Jamestown to

establish a juvenile hearing board.) {LC910/1}

04/21/2009 Referred to House Municipal Government

**CALENDAR**

From the Calendar are taken:

**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.

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

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, Azzinaro, Caprio, Carnevale, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kilmartin, Lally, 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, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**2 2009-H 6039****BY** Ferri**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.



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

Read and passed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kilmartin, Lally, 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, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

### TRANSMITTAL

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

### ANNOUNCEMENTS

Representative Costantino announces that everyone should have received the Budget Analysis of the fiscal year 2010.

Majority Leader Fox announces the deadline for House Committees Consideration of House Bills will be extended to Thursday, April 30<sup>th</sup>.

### GUESTS

Representative Newberry welcomes to the House Chamber as guests 25 freshmen from North Smithfield High School who defeated juniors and seniors from around the state in this year's "We the People" Competition as follows: Avery Beatty, Maximilian Benz, Tyler Boiteau, Cecily Coia, Hannah DeCelles, Brent Doire, Emily Dupuis, Elizabeth Ethier, Sidra Ethier, Rachel Flaherty, Ainslie Gibbs, Erin Hall, Trevor Johnston, Jaclyn Kaehler, Seth Keeley, Kathleen Kuy, Joseph Louro, Madeline McLean, Jacob Metivier, Kortni O'Donnell, Kendra Pearson, Rebecca Taylor, Daniel Thifault, Alexandria Wholey and Amanda Willard.

Representative Mattiello welcomes to the House as guests the faculty and students from CCRI- the President of CCRI, Ray M. DiPasquale, Professor Steven F. Forleo, Kate Fish, Dennis Belanger, Ian Armistad, Samantha Crowe, Ashley Andrade, Kim Manchester, Dan Jordan and Jim Brady.

The Honorable Speaker Murphy also welcomes President Ray Di Pasquale and Professor Steven Forleo.

Representative Gemma welcomes back to the Chamber former Representative Denise Aiken, State Committeewoman from District 20.

Representative Menard also welcomes to the House his nephew Tyler Boiteau and congratulates the students from North Smithfield High School and wishes them good luck in the National Competition.

#### **ADJOURNMENT**

At 4:47 o'clock P.M. on motion of Representative Hearn, and as a further mark of respect to the memory of Mary "Happy" White; on motion of Representative Serpa, and as a further mark of respect to the memories of Mary D. McShane and John F. Lahey; on motion of Representative Martin and as a further mark of respect to the memory of James "Jimmy" Gleason seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE ARTHUR CORVESE**

Almighty God, whose servants we are, may our work today and throughout the remainder of this legislative session be guided to truly serve the people we represent, and be ever mindful of the effect our actions and decisions have on those we serve. Amen

## APPENDIX

## CALENDAR

## IN ORDER FOR WEDNESDAY, APRIL 22, 2009:

**1 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.

**2 2009-H 6010****BY Naughton****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY PSYCHIATRIC HOLDS IN HOSPITAL EMERGENCY DEPARTMENTS

Committee on Constituent Services recommends passage.

**3 2009-H 6068****BY Williamson****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE BIG NEW ENGLAND FOOTBALL CLINIC, INC.

Committee on Corporations recommends passage.

**4 2009-H 6075****BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**5 2009-H 6076****BY McNamara****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**6 2009-H 5055****BY Corvese****ENTITLED,** AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Municipal Government recommends passage.

**7 2009-H 5057**

**BY Corvese**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL  
POWERS

Committee on Municipal Government recommends passage.

***Francis P. McCabe***  
***Clerk of the House***

**Tuesday, April 21, 2009**