

**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. 54

Wednesday, May 27, 2009

Fifty-fourth Day

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The House of Representatives meets at the State House in Providence, Wednesday, May 27, 2009 and is called to order at 4:27 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

**PRESENT - 73:** 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, Naughton, Newberry, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

**ABSENT - 2:** Representatives O'Neill, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Loughlin 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, May 26, 2009 is approved as printed.

**ANNOUNCEMENT**

Representative Timothy Williamson will be unable to attend session Wednesday, May 27, 2009.

**NEW BUSINESS**

**House Bill No. 6224**

**BY** Baldelli-Hunt

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES (would allow the city of Woonsocket to impose a residency requirement for all police officers and firefighters hired after the effective date of this section) {LC2509/1}

05/27/2009 Introduced, referred to House Municipal Government

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 614** as amended

**BY** McCaffrey

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES (would establish that RI Traffic Tribunal judges/magistrates have the ability to impose not only monetary penalties, but all of those sanctions provided by this chapter including license suspension/community service for motorists under the age of 20) {LC1995/1}

05/27/2009 Referred to House Judiciary

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR WEDNESDAY, MAY 27, 2009:****1 2009-H 5772 SUB A**

**BY** Watson

**ENTITLED**, AN ACT RELATING TO INSURANCE

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

Majority Leader Fox moves to recommit to the Committee on Corporations. There is no objection.

Read and Recommitted to the Committee on Corporations.

**2 2009-H 5097 as amended**

**BY** Brien

**ENTITLED**, AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION

Ordered on the Calendar.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 28, 2009.

**3 2009-H 5685 SUB A**

**BY San Bento**

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
INSTALLERS OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

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

Representative Gallison moves passage of the act, seconded by Representatives San Bento and many other members of the House.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, Newberry, Pacheco, Petrarca, Pollard, Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Wasyluk, Watson, Winfield.

NAYS - 0.

**REQUEST**

Representative Carnevale requests the journal to reflect that if he had voted on (09-H 5685 Sub A), he would have voted in the affirmative.

**4 2009-H 5488**

**BY Lally**

**ENTITLED, AN ACT RELATING TO FIDUCIARIES -- TRUSTEE POWERS**

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representatives Loughlin, Fox and many other members of the House.

Read and passed on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: 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, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, Pacheco, Petrarca, Pollard, Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Vaudreuil, Walsh, Wasyluk, Watson, Winfield.

NAYS - 0.

**5 2009-H 5490**

**BY Lally**

**ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE  
- COLLECTION AND MANAGEMENT OF DECEDENTS' ESTATES

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representatives Loughlin, Kilmartin and many other members of the House.

Read and passed 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, 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, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, Pacheco, Petrarca, Pollard, Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Wasyluk, Watson, Winfield.

NAYS - 0.

**6 2009-H 5730 SUB A**

**BY Marcello**

**ENTITLED,** AN ACT RELATING TO ELECTIONS – VOTING DISTRICTS AND  
OFFICIALS

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday June 3, 2009.

**HOLD ON DESK**

Representative Carter requests to hold (09-H 5685 Sub A) on the desk. There is no objection.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith with the exception of (09-H 5685 Sub A).

**ANNOUNCEMENTS**

Representative Lima wishes Representative Michael Marcello a Happy Birthday.

Representative Diaz 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.

**ADJOURNMENT**

At 4:37 o'clock P.M. on motion of Representatives Kilmartin and Carter, and as a further mark of respect to the memory of Jerry McQueeney; on motion of Representative Giannini, and as a further mark of respect to the memory of Ann Collardo; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE JOHN J. LOUGHLIN II**

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 THURSDAY, MAY 28, 2009:

**1 2009-H 5097 as amended****BY Brien****ENTITLED,** AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION

Ordered on the Calendar.

**2 2009-H 5902 SUB A****BY Sullivan****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS

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

**3 2009-H 6144****BY Pacheco****ENTITLED,** AN ACT RELATING TO THE BURRILLVILLE SEWER COMMISSION

Committee on Municipal Government recommends passage.

**4 2009-H 6179****BY Shallcross Smith****ENTITLED,** AN ACT IN AMENDMENT OF SECTION 4 OF AN ACT PASSED AT THE JANUARY SESSION 1930, ENTITLED "AN ACT TO INCORPORATE THE SAYLESVILLE FIRE DISTRICT IN THE TOWN OF LINCOLN" AS AMENDED

Committee on Municipal Government recommends passage.

**5 2009-S 917****BY Algieri****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE WESTERLY MASONIC FOUNDATION

Committee on Corporations recommends passage in concurrence.

## IN ORDER FOR TUESDAY, JUNE 2, 2009:

**1 2009-H 5398****BY Ajello****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage.

**IN ORDER FOR WEDNESDAY, JUNE 3, 2009:**

**1 2009-H 5730 SUB A**

**BY Marcello**

**ENTITLED,** AN ACT RELATING TO ELECTIONS - VOTING DISTRICTS AND OFFICIALS

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

**IN ORDER FOR THURSDAY, JUNE 4, 2009:**

**1 2009-H 5774**

**BY Watson**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- ADMINISTRATIVE SUPERVISION

Committee on Corporations recommends passage.

**2 2009-H 5775 SUB A**

**BY Watson**

**ENTITLED,** AN ACT RELATING TO INSURANCE - FRAUD PREVENTION

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

**3 2009-H 5290**

**BY O'Neill JP**

**ENTITLED,** AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS

Committee on Judiciary recommends passage.

**4 2009-H 5345**

**BY McCauley**

**ENTITLED,** AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- MIXED MARTIAL ARTS

Committee on Corporations recommends passage.

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

Wednesday, May 27, 2009