

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 third day of January in the year of Our Lord two thousand and twelve.

Volume 139, No. 19

Tuesday, February 14, 2012

Nineteenth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 14, 2012 and is called to order at 4:22 o'clock P.M., by the Honorable Gordon D. Fox, 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

ABSENT - 1: Representative Watson.

INVOCATION

The Honorable Speaker presents Representative McNamara 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, February 9, 2012 is approved.

REPORTS OF COMMITTEES**COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

House Bill No. 7356

(Dept. of Business Regulations)

BY Nunes, Marcello, Medina, Tanzi, Ruggiero

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - DEFINITIONS AND ESTABLISHMENT OF FINANCIAL INSTITUTIONS (would eliminate references to the outdated term Board of Bank Incorporation, and would clarify who the regulatory body for purposes of financial institutions would be) {LC1155/1}

02/14/2012 Placed on House Calendar

House Bill No. 7358 SUB A

(Dept. of Business Regulations)

BY Keable, Lally, Petrarca, Hull, Johnston

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - DEPARTMENT OF BUSINESS REGULATION (would correct typographical errors in four banking and insurance statutes) {LC1177/A/1}

02/14/2012 Placed on House Calendar

House Bill No. 7360

(Dept. of Business Regulations)

BY McCauley, Corvese, Schadone, Petrarca, Carnevale

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS - MIXED MARTIAL ARTS (would broaden the powers of the division of racing and athletics to revoke or suspend licenses granted under this chapter) {LC1156/1}

02/14/2012 Placed on House Calendar

House Bill No. 7361

(Governor/PUC)

BY Keable, Lally, Petrarca, Hull, Johnston

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (would clarify the powers of the division of public utilities and carrier's personnel relative to enforcement of all provisions of the motor carrier pursuant to chapter 39-1) {LC1158/1}

02/14/2012 Placed on House Calendar

House Bill No. 7362 SUB A

(Dept. of Business Regulations)

BY Kennedy, Keable, Lally

ENTITLED, AN ACT RELATING TO INSURANCE (would make changes to the state insurance laws) {LC1178/A/1}

02/14/2012 Placed on House Calendar

House Bill No. 7408**BY** Marcello**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER JOURNEY'S END, INC. {LC1262/1}

02/14/2012 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Ajello, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

House Bill No. 7423**BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Evelyn Clare Minick to join Mackenzie Claire Kielman and Ryan Burns McGuire in marriage within the Town of Narragansett, Rhode Island, on or about April 28, 2012.) {LC1030/1}

02/14/2012 Placed on House Calendar

House Bill No. 7466**BY** Nunes**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Kathryn M. Herrick to join Michelle K. Toland and Todd A. Herrick in marriage) {LC1373/1}

02/14/2012 Placed on House Calendar

House Bill No. 7499**BY** Ajello, Blazejewski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Mark Caldwell Rivinus to join Phoebe Hutchins Chadwick-Rivinus and Adam Michael Homoki in marriage on or about July 14, 2012, within the Town of Bristol, Rhode Island.) {LC1387/1}

02/14/2012 Placed on House Calendar

House Bill No. 7505**BY** Martin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Margot Botsford to join Andrew Musgrave and Emily Kanstroom in marriage on or about September 29, 2012, within the Town of West Greenwich, Rhode Island.) {LC1460/1}

02/14/2012 Placed on House Calendar

House Bill No. 7507**BY** Tanzi**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Janice Dabate to join Megan Dwyer and Jeffrey Roberts in marriage within the Town of Narragansett, Rhode Island, on or about September 1, 2012.) {LC1433/1}

02/14/2012 Placed on House Calendar

House Bill No. 7508**BY** Tanzi

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Constance J. Vogell to join Jennifer Lynn Elliot and David Scott Uliasz in marriage within the Town of Narragansett, Rhode Island, on or about August 3, 2012.) {LC1439/1}

02/14/2012 Placed on House Calendar

NEW BUSINESS**House Resolution No. 7515****BY** Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1586/1}

Representative Mattiello requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7516**BY** Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1587/1}

Representative Mattiello requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7517**BY** Lima, Melo, Carnevale, Hull, McCauley

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF LOUIS R. STRAVATO {LC1307/1}

With the agreement of the majority and the minority, Representative Lima requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lima seconded by Representatives Melo and Carnevale by unanimous consent, on a rising vote.

House Resolution No. 7518**BY** Fox, Tarro, Serpa, Mattiello, Newberry**ENTITLED**, HOUSE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF MARIA (SCIARRA) COSTANTINO {LC1646/1}

Representatives Fox and Tarro request unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representatives Fox and Tarro seconded by Representatives Serpa, Mattiello, Newberry, Blazejewski, Gallison, Menard, Corvese, McNamara, Cimini, Lima, Bennett, Trillo, Morgan, Reilly, Ehrhardt, Savage, Hull, Silva, McLaughlin, Guthrie, Edwards, Ucci, Petrarca, Flaherty, Slater, Messier, Phillips, Malik, Naughton, Coderre, Valencia, Melo, Ajello, Handy, Tomasso, Walsh, Johnston, Nunes, Ruggiero, Marcello, Hearn, Martin, Medina, Carnevale, Morrison, Fellela, Diaz, Baldelli-Hunt, San Bento, Palumbo, Jacquard, Kennedy, Williams, Brien, DaSilva and O'Grady by unanimous consent, on a rising vote.

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, FEBRUARY 14, 2012:**1. 2012-H 7243****BY** Walsh**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST

Committee on Judiciary recommends passage.

Representative Ajello moves passage of the act, seconded by Representatives Walsh, Hull, Tanzi and Valencia.

Representatives Walsh and Corvese discuss the act.

Read and passed, on a roll call vote, 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

Representative Ajello moves to bundle items 2-7 on today's Calendar, seconded by Representatives Phillips, Morrison and Reilly. The motion to bundle prevails 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Winfield.

NAYS - 0.

Representative Ajello moves passage of the bundle, seconded by Representatives Marcello, Reilly and Gallison.

2. 2012-H 7330

BY Reilly

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3. 2012-H 7365

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4. 2012-S 2056

BY Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

5. 2012-S 2135

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

6. 2012-S 2141

BY Walaska

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

7. 2012-S 2144**BY** Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

Passage of the bundle prevails (items 4-7 in concurrence) on a roll call vote, 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

8. 2012-S 2264**BY** Perry**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER CEPEP CORP.

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Ajello, Mattiello and San Bento.

Read and passed, in concurrence, on a roll call vote, 72 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 72: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

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 Kennedy announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House

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

Representative Melo announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House.

Representative Ruggiero announces that the Joint Commission on Economic Development for the Ports of RI will meet at the rise of the House, in the House Lounge of the State House.

Representative Fellela announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

GUESTS

Representative Hearn welcomes to the House Chamber as guests W. Steven Barnett PhD., Director NIEER and Elizabeth Burke Bryant, Executive Director Kids-Count.

ADJOURNMENT

At 4:44 o'clock P.M. on motion of Representative Gallison, and as a further mark of respect to the memory of John McKenna III; on motion of Representative Tarro, and as a further mark of respect to the memory of Maria Costantino; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE JOSEPH M. MCNAMARA**

Dear Lord as we begin this week's session let us pause to remember and honor the birthday, on February 12, of President Abraham Lincoln. We pray that we can continue his great legacy of government "of the people, by the people, and for the people." Amen

APPENDIX**CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 15, 2012:**

1. **2012-H 7048**
 BY Kennedy
 ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
 OF LOCAL TAXES

Committee on Municipal Government recommends passage.

2. **2012-H 7077**
 BY McNamara
 ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES
 AND SUPERINTENDENTS

Committee on Health, Education & Welfare recommends passage.

3. **2012-H 7080**
 BY Gallison
 ENTITLED, AN ACT RELATING TO EDUCATION - RHODE ISLAND
 CERTIFICATION STANDARDS BOARD

Committee on Health, Education & Welfare recommends passage.

4. **2012-H 7081**
 BY Mattiello
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
 HISTORIAN LAUREATE OF RHODE ISLAND

Committee on Health, Education & Welfare recommends passage.

IN ORDER FOR THURSDAY, FEBRUARY 16, 2012:

1. **2012-H 7184**
 BY Ehrhardt
 ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PLUM
 BEACH LIGHTHOUSE LICENSE PLATE

Committee on Municipal Government recommends passage.

2. **2012-H 7293**
 BY Ehrhardt
 ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -

REGISTRATION OF VEHICLES

Committee on Municipal Government recommends passage.

3. **2012-H 7367 SUB A as amended**
 BY Tanzi
 ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - COMMERCIAL
 FISHERIES

Committee on Environment and Natural Resources recommends indefinite postponement of the original bill and passage of Substitute A as amended.

4. **2012-H 7356**
 BY Nunes
 ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - DEFINITIONS
 AND ESTABLISHMENT OF FINANCIAL INSTITUTIONS

Committee on Corporations recommends passage.

5. **2012-H 7358 SUB A**
 BY Keable
 ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -
 DEPARTMENT OF BUSINESS REGULATION

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

6. **2012-H 7362 SUB A**
 BY Kennedy
 ENTITLED, AN ACT RELATING TO INSURANCE

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

7. **2012-H 7408**
 BY Marcello
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER JOURNEY'S END, INC.

Committee on Corporations recommends passage.

8. **2012-H 7423**
 BY Lally
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

9. **2012-H 7466**
 BY Nunes
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10. **2012-H 7499**
 BY Ajello
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

11. **2012-H 7505**
 BY Martin
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

12. **2012-H 7507**
 BY Tanzi
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

13. **2012-H 7508**
 BY Tanzi
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, FEBRUARY 28, 2012:

1. **2012-H 7360**
 BY McCauley
 ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -
 MIXED MARTIAL ARTS

Committee on Corporations recommends passage.

2. **2012-H 7361**
 BY Keable
 ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Corporations recommends passage.

Francis McCabe
Clerk of the House

Tuesday, February 14, 2012

APPENDIX**TRANSMITTED TO THE GOVERNOR****Senate Bill No. 2056****BY** Felag, Ottiano, Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Raymond B. Mars to join Jennifer Teresa Mars and Nathan Christopher Oliveira in marriage within the City of Newport, Rhode Island, on or about June 21, 2012){LC209/1}**Senate Bill No. 2135****BY** Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow William F. Loehning to join Kristen Pietrantonio and Kyle Loehning in marriage on or about June 23, 2012, within the Town of Barrington, Rhode Island.){LC389/1}**Senate Bill No. 2141****BY** Walaska, Lynch**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Scott Avedisian, Mayor of the City of Warwick, to join Carra Beth Constantine and William Malcolm Hall in marriage){LC432/1}**Senate Bill No. 2144****BY** Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Scott Avedisian to join Christina Marie Finn and Sean Patrick Woodbine in marriage){LC435/1}**Senate Bill No. 2264****BY** Perry**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER CEPEP CORP.{LC937/1}