

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 four.

Volume 131, No. 5

Wednesday, January 14, 2004

Fifth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 14, 2004 and is called to order at 4:12 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT – 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 4: Representatives Benson Coogan Shavers, Sherlock

INVOCATION

The Honorable Speaker presents Representative Slater 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, January 13, 2004, is approved as printed.

COMMUNICATION

January 6, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to Section 42-24-1 of the Rhode Island General Laws, I hereby appoint:

Representative Fausto C. Anguilla

VICE

Representative Denise Aiken

to the Commission on Uniform State Laws.

Sincerely,

William J. Murphy
SPEAKER

Received and placed on file.

ANNOUNCEMENTS

Representative Rita Anderson is hereby appointed to the House Committee on Health, Education and Welfare.

William J. Murphy
SPEAKER

Received and placed on file.

Representative Maxine L. Shavers will be unable to attend session on Wednesday, January 14 and Thursday, January 15, due to illness.

Representative Corvese congratulates Representative Malik on receiving the Saint Thomas Aquinas Award.

Representative San Bento wishes Representative Harwood a very Happy Birthday.

Representative Callahan wishes Mary C. Armbrust a very Happy 100th Birthday.

Representative Slater wishes Representative Corvese a very Happy Birthday.

Representative Amaral wishes former Representative Larry Ferguson a speedy recovery.

GUESTS

At 4:25 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Aubin along with Representatives Cerra, Ginaitt, Menard, Moran, and Smith.

By unanimous consent, Representative Aubin addresses the members of the House and welcomes to the House the Alumni of the Community College of Rhode Island as follows: Dr. Thomas D. Sepe, President, CCRI, Deborah J. Aiken – Class of 1975 & 82, Assistant to the Commissioner, Office of Higher Education, Michael A. Archetto – Class of 1976 Grounds Superintendent, CCRI, Robert Carosi – Class of 1977, State Executive Director, DECA and Skills USA, Joanne M. Daly – Class of 1979, Director of Development, Rhode Island Zoological Society, Roger Williams Park Zoo, Richard V. DiGennaro, CPA – Class of 1979 DiGennaro and Palumbo LLP, Ann L. Lagarto – Class of 1971, Director of Product Development, Drew Easton Company, George Loftus – Class of 1979, Executive Director, OSHEAN, Brian P. McConaghy Class of 1990, CAD Officer, Fleet Capital Leasing, Monty J. Monteiro – Class of 1968, Resident Agent in Charge Bureau of Alcohol, Tobacco, Firearms and Explosives, Sandra J. Pattie, Class of 1976 Executive Vice President and Chief Operating Officer, Sondra V. Pitts – Class of 1966, Principal, Sts, Sahag & Mesrob Armenian School, Louis A. Pullano – Class of 1973, Director of Athletics, CCRI, Louis J. Saccoccio – Class of 1968, General C Council, University of Rhode Island, George R. Sousa, Class of 1972, Director of Physical Plant, CCRI, and Marisa Albini – Director of Alumni Affairs.

At 4:27 o'clock P.M. the Honorable Speaker returns to the rostrum and also welcomes, Dr. Thomas D. Sepe, President, CCRI, and the Alumni of CCRI.

Also:

Representative Williamson also welcomes Louis Pullano.

Also:

Representative Kilmartin introduces and congratulates Judge Bob Rahill on his retirement.

Also:

At 4:29 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Kilmartin, along with Representatives Coderre, Dennigan, Moffitt, Rose, San Bento.

By unanimous consent, Representative Kilmartin addresses the members of the House and welcomes to the House as guests the Darlington Braves Midget Pop Warner Football National Superbowl Champions from Pawtucket as follows: Justin Silvestri, Micheal Feole, Matthew Bryson, Steven Depina, Daniel Florentini, Jermaine Cabagno, Paul Perry, Hershel Willams, Steven Homer, Joshua Mikolajczyk, Joshua Duarte, Christopher Diaz, Adney Martins, Matthew Holden, Andrew Lemos, Christopher Coggins, Armando Richardson, Francis Betters, Melvin Colon, Colin Shea, Esteban Giraldo, Matthew Barbeiro, Jordan Monk, Brandon Sanderson, William Lopes, Craig Agencourt, Anthony Allen, Daniel Hardy. Coaching Staff: Michael Sircello - Head Coach, Lynelle Sircello – Defensive Coach, Daniel Ashworth - Offensive Coach, Bernard Hagerty – Defensive Coach, Tito Santos – Offensive Coach, Marisol Alicea –

Coach Trainee, Julie Shea – Team Parent, Freddie Contreras – Trainer, Jeff Coggins – Equipment Manager.

At 4:37 o'clock P.M. the Honorable Speaker returns to the rostrum.

REPORTS OF COMMITTEE

COMMITTEE ON FINANCE

Representative Costantino, for the Committee on Finance, reports back the following measure, with recommendation of passage:

House Bill No. 7006 SUB A

BY Murphy, Lowe, Aubin, Moran, Anderson R

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES
{LC1/1/A}

01/14/2004 Placed on House Calendar

NEW BUSINESS

House Resolution No. 7168

BY Murphy

ENTITLED, HOUSE RESOLUTION HONORING CHEF STEVEN LAUTIERI ON RECEIVING THE 2004 "CHEF OF THE YEAR" AWARD FROM THE RHODE ISLAND CHAPTER OF THE AMERICAN CULINARY FEDERATION {LC789/1}

The Honorable Speaker Murphy requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of The Honorable Speaker Murphy seconded by Representative Fox and by unanimous consent, on a voice vote.

House Resolution 7041 COMMEMORATING THE CELEBRATION OF THE BIRTH OF THE REVEREND MARTIN LUTHER KING, JR., is read and placed on file.

House Bill No. 7169

BY Shanley, Gallison, Flaherty, Carter, Scott

ENTITLED, AN ACT RELATING TO PERSONAL INCOME TAX - HONORABLY DISCHARGED VETERANS {LC851/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7170 (Lieutenant Governor)**BY** McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO TAXATION -- SCHOOL-TO-CAREER PROGRAM TAX CREDIT {LC297/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7171**BY** McNamara, Ginaitt, Malik**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PUBLIC CORPORATION DEBT MANAGEMENT {LC278/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7172**BY** Enos, Moffitt, Laroche, Anguilla, Gallison**ENTITLED**, AN ACT CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING THE OFFICE OF INSPECTOR GENERAL {LC816/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7173**BY** Amaral, Savage, Story, Mumford, Moffitt**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES TAX EXEMPTIONS {LC832/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7174**BY** Brien T, Gallison, Carter, Moffitt, Scott**ENTITLED**, AN ACT RELATING TO THE MERIT SYSTEM {LC793/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7175**BY** Palumbo, Reilly, Corvese**ENTITLED**, AN ACT PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS {LC202/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7176**BY** Gallison, Lewiss, Schadone, Enos, Montanaro**ENTITLED**, AN ACT RELATING TO LABOR -- JOB APPLICATIONS {LC749/1}

01/14/2004 Introduced, referred to House Labor

House Bill No. 7177**BY** Giannini, San Bento, Wasylyk, Gallison, Cerra**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE PROCEDURES {LC766/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7178**BY** Ginaitt, Moura, McNamara, Fox, Handy**ENTITLED**, AN ACT RELATING TO TAXATION {LC818/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7179**BY** Ginaitt, Moura, McNamara, Handy**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC807/1}

01/14/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7180**BY** Ginaitt, Palumbo**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC808/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7181**BY** Palumbo, Reilly, Corvese**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ABORTIONS {LC126/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7182**BY** Lowe, San Bento**ENTITLED**, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES {LC571/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7183**BY** Ginaitt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES {LC803/1}

01/14/2004 Introduced, referred to House H.E.W.

House Bill No. 7184**BY** Ginaitt, McNamara, Handy, Moura**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS {LC806/1}

01/14/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7185**BY** Ginaitt, Naughton, McNamara, Flaherty, Trillo**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- CITY OF WARWICK -- HARBOR MASTER {LC656/1}

01/14/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7186**BY** Ginaitt**ENTITLED**, AN ACT RELATING TO TAXATION -- TAXATION OF FARM, FOREST AND OPEN SPACE LAND {LC791/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7187**BY** Dennigan, Moura, Slater, Ajello, Almeida**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- FOOD DONATIONS {LC396/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7188**BY** Naughton, Crowley, Lima, Ginaitt, Kennedy**ENTITLED**, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES {LC804/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7189**BY** Palumbo, Petrarca, McCauley**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE -- FISH TRAPS {LC178/1}

01/14/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7190**BY** Gallison, Carter, Anguilla, Brien T, Cerra**ENTITLED**, AN ACT RELATING TO RHODE ISLAND VETERANS' HOME {LC748/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7191**BY** Winfield, Lewiss, Malik, Lally, Enos**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING {LC819/1}

01/14/2004 Introduced, referred to House Corporations

House Resolution No. 7192**BY** Schadone, Corvese**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$356.55 TO PAY THE CLAIM OF SALVATORE DEL PRETE OF 20 BARBARA ANN DRIVE, NORTH PROVIDENCE, RHODE ISLAND 02910 {LC799/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7193**BY** Schadone**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$1,268.85 TO PAY THE CLAIM OF JESSICA SIROIS OF 41 RAY STREET, COVENTRY, RHODE ISLAND 02816 {LC787/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Bill No. 7194**BY** San Bento, Gallison, Shanley, Flaherty, Lowe**ENTITLED**, AN ACT RELATING TO INSURANCE - FIRE INSURANCE APPLICATIONS
{LC757/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7195**BY** Rose, Savage, Scott, Trillo, Anderson R**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S RIGHT TO KNOW
ACT {LC259/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7196 (by request)**BY** Gallison, Enos, Callahan, Amaral**ENTITLED**, AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT {LC838/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7197**BY** Moura, Brien T, Faria, Kilmartin, Landroche**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- VIDEO
LOTTERY TERMINALS {LC14/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7198**BY** Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO COURTS -- JUDICIAL SELECTION {LC124/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7199**BY** Palumbo, McCauley, Lally, Ginaitt, Reilly**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PILOT PROGRAM FOR
PURCHASE OF PRESCRIPTION DRUGS {LC168/1}

01/14/2004 Introduced, referred to House H.E.W.

House Bill No. 7200**BY** Palumbo, Ginaitt, Reilly, McNamara, Petrarca**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC183/1}

01/14/2004 Introduced, referred to House H.E.W.

House Bill No. 7201**BY** Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- SMOKING IN PUBLIC
PLACES {LC190/1}

01/14/2004 Introduced, referred to House Labor

House Resolution No. 7202**BY** Scott, Trillo**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$336.85 TO PAY THE CLAIM OF LYNNE QUEVEDO OF 20 MACERA CIRCLE, WARWICK, RHODE ISLAND 02886 {LC783/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7203**BY** Landroche**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$2695.24 TO PAY THE CLAIM OF DENNIS C. BROOKS OF 6 BRAYTON ROAD, SMITHFIELD, RHODE ISLAND 02896 {LC786/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7204**BY** Scott, Gorham**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$939.20 TO PAY THE CLAIM OF DAVID ST. GERMAIN OF 118 CARPENTER ROAD, FOSTER, RHODE ISLAND 02825 {LC782/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7205**BY** Landroche**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$150.00 TO PAY THE CLAIM OF STEPHEN A. FARRELL OF 26 RODMAN STREET, FAIRHAVEN, MASSACHUSETTS 02719-3944 {LC788/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7206**BY** Williams**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$8,029.00 TO PAY THE CLAIM OF MAROWANE BAH OF 642 IRVING STREET, N.W. WASHINGTON, DC 20010 {LC784/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7207**BY** Ajello**ENTITLED**, JOINT RESOLUTION TO CONSIDER VARIOUS CLAIMS {LC780/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7208**BY** Moura**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$1,411.84 TO PAY THE CLAIM OF LIBERTY MUTUAL INSURANCE COMPANY 6575 SNOWDRIFT ROAD, SUITE 101, ALLENTOWN, PENNSYLVANIA 18106 AS SUBROGEE OF FREDERICK GOODWIN OF 375 SOUTH MAIN STREET, PROVIDENCE, RHODE ISLAND 02903 {LC844/1}

01/14/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Bill No. 7209**BY** Palumbo, McCauley, Ginaitt, Reilly, McNamara**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL GROUP HEALTH INSURANCE CONTINUOUS COVERAGE {LC180/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7210**BY** Jacquard**ENTITLED**, AN ACT RELATING TO WORKERS' COMPENSATION {LC594/1}

01/14/2004 Introduced, referred to House Labor

House Bill No. 7211**BY** Brien T, Schadone, Enos, Laroche, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC200/1}

01/14/2004 Introduced, referred to House Finance

House Bill No. 7212**BY** Trillo, Scott, Shanley, Laroche, Winfield**ENTITLED**, AN ACT ESTABLISHING A TASK FORCE CHARGED WITH THE CREATION OF A QUASI-PUBLIC CORPORATION WHICH WOULD PROVIDE HEALTH INSURANCE COVERAGE FOR ALL STATE, CITY AND TOWN EMPLOYEES {LC754/1}

01/14/2004 Introduced, referred to House Corporations

House Bill No. 7213 (Attorney General)**BY** Brien T, Moran, Schadone, Malik, McNamara**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- MURDER {LC826/1}

01/14/2004 Introduced, referred to House Judiciary

House Bill No. 7214 (Attorney General)**BY** Brien T, Moran, Schadone, Malik, McNamara**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC827/1}

01/14/2004 Introduced, referred to House Judiciary

ANNOUNCEMENTS

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

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

ADJOURNMENT

At 4:43 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy

Recording Clerk

Appendix

INVOCATION

THOMAS C. SLATER

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise for our communities and state. Amen.

Appendix

CONSENT CALENDAR

From the Consent Calendar are taken:

IN ORDER FOR TUESDAY, JANUARY 20, 2004:

1 2004-H 7167

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

2 2004-H 7166

BY Giannini

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Wednesday, January 14, 2004

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 21, 2004:

1 2004-H 7006 SUB A

BY Murphy

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES**

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

Louis D'Antuono
Clerk of the House

Wednesday, January 14, 2004
