

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 4

Wednesday, January 12, 2005

Fourth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 12, 2005 and is called to order at 4:06 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives Church, Ginaitt, Palumbo.

INVOCATION

The Honorable Speaker presents Representative Melo 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 11, 2005 is approved as printed.

ANNOUNCEMENT

Representative Raymond Church will be unable to attend session January 12 & 13, 2005 due to a business obligation.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

January 12, 2005

Dear Speaker Murphy, Majority Leader Fox & Members of the House of Representatives

I will be unable to attend session from January 12-20 due to the fact that I will be out of the country participating in a humanitarian relief mission in Central America. I will be assisting a team of Rhode Island doctors and other medical professionals, caring for indigent children living in squalid conditions in Nicaragua. It is our fifth trip and we hope it will be successful, and bring needed health care to numerous children.

I look forward to returning to the House of Representatives with reports of a successful mission.

Sincerely,

Peter G. Palumbo
Representative Peter G. Palumbo
House District – 16

Received and placed on file.

NEW BUSINESS

House Bill No. 5027 (Attorney General)

BY Kennedy, Lewiss, San Bento, Coderre E, Kilmartin

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - - UNFAIR SALES PRACTICES {LC296/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5028

BY Gorham, Davey, Ehrhardt, Singleton

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET {LC353/1}

01/12/2005 Introduced, referred to House Finance

House Bill No. 5029**BY** Gorham, Long**ENTITLED**, AN ACT RELATING TO PERSONAL INCOME TAX {LC343/1}

01/12/2005 Introduced, referred to House Finance

House Bill No. 5030**BY** Gorham, Long**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DIVISION OF FIRE SAFETY {LC345/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5031**BY** Gorham, Mumford**ENTITLED**, AN ACT DECISIONS, SPECIAL FINDINGS AN ASSESSMENT OF DAMAGES {LC429/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5032**BY** Gorham, Long**ENTITLED**, AN ACT RELATING TO TAXATION {LC338/1}

01/12/2005 Introduced, referred to House Finance

House Bill No. 5033**BY** Gorham, Long**ENTITLED**, AN ACT RELATING TO ETHICS - ETHICS COMMISSION POWERS {LC339/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5034**BY** Corvese**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID {LC17/1}

01/12/2005 Introduced, referred to House Finance

House Bill No. 5035**BY** Corvese**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- UNIFORM LAW ON PATERNITY {LC12/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5036**BY** Corvese**ENTITLED**, AN ACT RELATING TO VICTIM'S RIGHTS {LC9/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5037**BY** Corvese**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PUBLIC ACCOUNTANCY {LC22/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5038**BY** Corvese**ENTITLED**, AN ACT RELATING TO TARGETING SCHOOL AID {LC40/1}

01/12/2005 Introduced, referred to House Finance

House Bill No. 5039**BY** Corvese**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC38/1}

01/12/2005 Introduced, referred to House Finance

House Resolution No. 5040**BY** Corvese**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT KEEP LINCOLN WOODS STATE PARK OPEN YEAR ROUND {LC35/1}

01/12/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 5041**BY** Crowley, Rice, Jackson, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU {LC463/1}

01/12/2005 Introduced, referred to House Separation of Powers

House Bill No. 5042**BY** Church, Picard, Pacheco, Gemma, San Bento**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC423/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5043**BY** Church, Picard, Pacheco, Gemma, San Bento**ENTITLED**, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD {LC446/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5044**BY** McHugh, Brien T, Giannini, Menard, Petrarca**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC448/1}

01/12/2005 Introduced, referred to House Separation of Powers

House Bill No. 5045**BY** Kilmartin, Moran, Brien T**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC183/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5046**BY** Kilmartin, Moran, Brien T**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FALSE PERSONATION {LC198/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5047**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT {LC195/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5048**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- USE OF ELECTRONIC DEVICES {LC179/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5049**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES {LC159/1}

01/12/2005 Introduced, referred to House Corporations

House Bill No. 5050**BY** Amaral, Loughlin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC401/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5051**BY** Palumbo, McHugh**ENTITLED**, AN ACT RELATING TO COURTS -- JUDICIAL SELECTION {LC264/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5052**BY** Giannini, Williams, Rice, Diaz, Coderre E**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- DOMESTIC ASSAULT {LC129/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5053**BY** Giannini, Williams, Rice, Diaz, Coderre E**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS-DOMESTIC ABUSE PREVENTION {LC136/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5054**BY** Ucci, Laroche, McCauley, Palumbo, Voccola**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC449/1}

01/12/2005 Introduced, referred to House Separation of Powers

House Bill No. 5055**BY** Palumbo, Ucci, Corvese**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC256/1}

01/12/2005 Introduced, referred to House H.E.W.

House Bill No. 5056**BY** Palumbo, Corvese**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ABORTIONS {LC259/1}

01/12/2005 Introduced, referred to House H.E.W.

House Bill No. 5057**BY** Palumbo**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM {LC253/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5058**BY** Palumbo**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC262/1}

01/12/2005 Introduced, referred to House Judiciary

House Bill No. 5059**BY** Palumbo, Davey, Ginaitt, Ucci**ENTITLED**, AN ACT RELATING TO ANIMALS {LC258/1}

01/12/2005 Introduced, referred to House Finance

House Resolution No. 5060**BY** Shanley, Lally, Scott, McHugh, Caprio D**ENTITLED**, JOINT RESOLUTION CONGRATULATING BARBARA ANNE HACKEY ON HER RETIREMENT AFTER 30 YEARS OF SERVICE TO THE TOWN OF SOUTH KINGSTOWN {LC520/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Shanley seconded by Representatives Scott, Caprio, Moffitt, Lally, and McHugh and by unanimous consent, on a voice vote.

House Bill No. 5061

BY Malik, Anguilla, Gallison

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC. {LC658/1}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representatives Anguilla and Gallison 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, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Davey, Dennigan, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

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

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 10

BY Algieri, Breene

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT. {LC453/1}

Representative Lewiss requests (05S 10) be placed on the Consent Calendar.

Representatives Watson and Lewiss discuss the act.

There is no objection.

Read and placed on the Consent Calendar.

ANNOUNCEMENTS

Representative Savage congratulates Anna Babbit on celebrating her 100th birthday, tomorrow.

Representative Williamson congratulates Representative Landroche and his wife Kim on their 14th wedding anniversary.

GUESTS

Representative Kilmartin welcomes and congratulates dancers from the Hope Specht School of Dance who represented the USA in Germany as follows: Courtney Rigby, Sammantha Foster, Neenah Haith, Jessica Lesage, Kristina Bealieu, Arianna Haddock, Hannah Lebeau, and Kaylee Remillard.

Representative Kilmartin read and presented each of the dancers with a citation from the House of Representatives.

Representative Gemma welcomes to the House Chamber as a guest Lucille Mota-Costa, and congratulates her on being elected to the Warwick school committee. Also Representative Gemma welcomes Mary Barao, and Maureen Callahan to the House.

The Honorable Speaker Murphy, along with Representatives Williamson and McNamara also congratulate Lucille Mota-Costa.

ADJOURNMENT

At 4:24 o'clock P.M. on motion of Representative Slater, and as a further mark of respect to the memory of Robert K. Szrom; on motion of Representative San Bento, and as a further mark of respect to the memory of Stanley Zielinski; on motion of Representative Williamson and as a further mark of respect to the memory of Luigi Longo; on motion of Representative Handy, and as a further mark of respect to the memory of Mary V. McGarry; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE HELIO MELO

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

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 18, 2005:

1 2005-S 10

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Wednesday, January 12, 2005