

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. 21

Wednesday, March 2, 2005

Twenty-first Day

The House of Representatives meets at the State House in Providence, Wednesday, March 2, 2005 and is called to order at 4:15 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

PRESENT - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, 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, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, , Watson, Williams, Winfield.

ABSENT – 7: Representative Church, Diaz, San Bento, Scott, Smith, Wasyluk, Williamson.

INVOCATION

The Honorable Speaker presents Representative Picard 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, March 1, 2005 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 Health, Education, and Welfare:

House Bill No. 5758

BY Handy, Naughton, Jacquard, Winfield, Carter

ENTITLED, AN ACT RELATING TO ELECTIONS -- ELECTION OFFENSES (television stations required to provide closed captioning in political ads) {LC1470/1}

03/02/2005 Read and transferred to the House Committee on H.E.W.

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

House Bill No. 5401

BY Menard, Brien T, Winfield, Giannini, Ucci

ENTITLED, AN ACT RELATING TO RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING {LC802/1}

03/02/2005 Read and transferred to the House Committee on Judiciary

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

House Bill No. 5582

BY Laroche, Landroche, Ginaitt, Menard

ENTITLED, AN ACT RELATING TO FIRE FIGHTERS -- ANNUITIES TO DEPARTMENTS (increase annuities) {LC2186/1}

03/02/2005 Read and transferred to the House Committee on Labor

COMMITTEE ON CORPORATIONS

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

House Bill No. 5227

BY Gallison, Anguilla

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL {LC854/1}

03/02/2005 Placed on House Calendar

NEW BUSINESS

House Bill No. 6115**BY** Handy, Ginaitt, Gallison, McNamara, Rice**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PRODUCER RESPONSIBILITY {LC1690/1}

03/02/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 6116**BY** Handy, Gallison, McNamara, Coderre E, Rice**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (mercury switch removal act) {LC2335/1}

03/02/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 6117**BY** Ginaitt, Naughton, Lima, Lally, Shanley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT {LC2343/1}

03/02/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 6118 (by request)**BY** Jackson, Long**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS**BY CONTRACTORS** {LC2494/1}

03/02/2005 Introduced, referred to House Labor

House Bill No. 6119 (by request)**BY** Jackson, Rice, Long**ENTITLED**, AN ACT RELATING TO EDUCATION {LC2493/1}

03/02/2005 Introduced, referred to House H.E.W.

House Bill No. 6120**BY** Ucci**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC2560/1}

03/02/2005 Introduced, referred to House H.E.W.

House Bill No. 6121**BY** Moran, Kilmartin, Brien T**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF MASSAGE THERAPY ESTABLISHMENTS {LC1622/1}

03/02/2005 Introduced, referred to House H.E.W.

House Bill No. 6122**BY** Slater, Malik, Naughton, Lewiss, Lima**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- PUBLIC UTILITIES
{LC2670/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6123**BY** Slater, Malik, Naughton, Lewiss, Lima**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- PUBLIC UTILITIES
{LC2671/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6124**BY** Slater, Almeida, Diaz, Lima, Gemma**ENTITLED**, AN ACT RELATING TO ELECTIONS {LC2303/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6125**BY** Story, Malik, Gorham, Savage**ENTITLED**, AN ACT RELATING TO PROPERTY -
BY POSSESSION AND PRESCRIPTION {LC2558/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6126**BY** Jackson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE {LC2306/1}

03/02/2005 Introduced, referred to House Judiciary

House Resolution No. 6127**BY** Gorham**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE
ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE
STATE (INITIATIVE AND REFERENDUM) {LC2150/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6128 (by request)**BY** Ajello**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE AND
SEPARATION {LC2271/1}

03/02/2005 Introduced, referred to House Judiciary

House Bill No. 6129**BY** Handy, Slater, Diaz, Coderre E, Rice**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL
TAX {LC2633/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6130 (by request)**BY** Jackson, Rice, Long**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS - MUNICIPAL POLICE - INCENTIVE PAY {LC2492/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6131**BY** McCauley**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- CONTRACTORS' REGISTRATION {LC2263/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6132**BY** Handy, Slater, Diaz, Rice**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS-RHODE ISLAND PUBLIC TRANSIT AUTHORITY {LC2632/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6133**BY** Mumford, Savage, Moffitt, Singleton, Davey**ENTITLED**, AN ACT PROVIDING FOR THE PURCHASE OF LAND AND CONSTRUCTION OF A NEW MIDDLE SCHOOL BY THE TOWN OF SCITUATE AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$19,000,000 BONDS THEREFOR {LC2297/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6134**BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO EDUCATION {LC2313/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6135**BY** Story, Mumford, Ehrhardt, Moffitt, McManus**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - UNCLAIMED TANGIBLE AND INTANGIBLE PROPERTY {LC1745/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6136**BY** Gorham**ENTITLED**, AN ACT RELATING TO STATE GOVERNMENT CONSULTANTS {LC337/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6137**BY** Corvese**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT {LC1954/1}

03/02/2005 Introduced, referred to House Finance

House Bill No. 6138**BY** Handy, Slater, Diaz, Coderre E**ENTITLED**, AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION

{LC1992/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6139**BY** Handy, Ajello, McNamara, Slater, Diaz**ENTITLED**, AN ACT RELATING TO INSURANCE {LC2345/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6140**BY** Moura, Schadone, Long**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- MOTOR

VEHICLE REPAIR SHOPS {LC2194/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6141**BY** Rice**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- PRESCRIPTION DRUGS

{LC2010/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6142**BY** Carter**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- STATE BUILDING

CODE {LC2635/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6143**BY** Pacheco, Slater, Gorham**ENTITLED**, AN ACT RELATING TO THE TOWN OF GLOCESTER {LC2686/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6144**BY** Costantino, Corvese, Slater**ENTITLED**, AN ACT RELATING TO INSURANCE {LC2455/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6145**BY** Costantino, Moura**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES {LC2659/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6146**BY** Carter**ENTITLED**, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL
DRIVERS' LICENSE ACT {LC2551/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6147**BY** Carter**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE {LC2637/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6148**BY** Watson**ENTITLED**, AN ACT RELATING TO HOMESTEAD EXEMPTION IN THE TOWN OF WEST GREENWICH {LC2559/1}

03/02/2005 Introduced, referred to House Corporations

House Bill No. 6149**BY** Kennedy, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE - LIFE SETTLEMENTS ACT {LC2518/1}

03/02/2005 Introduced, referred to House Corporations

House Resolution No. 6150**BY** McManus, Rose, Dennigan, O'Neill, Petrarca**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUSTAIN THE BLACKSTONE RIVER VALLEY HERITAGE CORRIDOR ACT BY SUPPORTING REAUTHORIZATION LEGISLATION {LC2463/1}

Representative McManus requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McManus seconded by Representatives Rose, Menard, Brien, Laroche, Picard and by unanimous consent, on a voice vote.

House Bill No. 6151**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND INSTALLATION OF SYSTEMS {LC2483/1}

03/02/2005 Introduced, referred to House Finance

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 2, 2005:**1 2005-H 5468****BY Ehrhardt****ENTITLED,** AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF NORTH KINGSTOWN

Committee on Corporations recommends passage.

Representative Ehrhardt moves passage of the act, seconded by Representatives Carter, Mumford, Moffitt and Gorham.

Read and passed, on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Costantino, Crowley, Davey, Dennigan, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, Savage, Schadone, Singleton, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Winfield.

NAYS - 0.

REQUEST

Representative Corvese requests the journal to reflect that if he had voted on (05-H 5468), he would have voted in the affirmative.

2 2005-H 5041**BY Crowley****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Separation of Powers recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, March 3, 2005.

3 2005-H 5018**BY Gemma****ENTITLED,** HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INVESTIGATE SUBSIDIZED FUNDING FOR THE PRODUCTION OF FLU VACCINES IN THE UNITED STATES

Committee on Health, Education & Welfare recommends passage.

Representative McNamara moves passage of the resolution, seconded by Representatives Gemma, Jacquard, Kilmartin, Loughlin, Giannini, Moura, and Ucci.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Crowley, Davey, Dennigan, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Winfield.

NAYS - 0.

4 2005-H 5088**BY Pacheco****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING AN INSTITUTION OF HIGHER LEARNING AT THE ZAMBARANO HOSPITAL FACILITY

Committee on Health, Education & Welfare recommends passage.

Representative McNamara moves passage of the resolution, seconded by Representatives Pacheco, Mumford, Singleton, Savage, Slater and Fox.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 63: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Watson, 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 Costantino announces that the Committee on Finance will meet today, at the rise of the House, in Room 35 of the State House.

Representative Loughlin 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 Coderre announces that the Committee on Separation of Powers will meet today, at the rise of the House, in Room 203 of the State House.

GUESTS

Representative Loughlin introduces to the House Chamber his intern, Brian Robinson, a student at Bryant College.

Representative Melo welcome to the House as guests from East Providence, Manny Vinhateiro, superintendent, and Ray Linneman, Director of Transportation.

ADJOURNMENT

At 4:27 o'clock P.M. on motion of Representatives Sullivan and Moffitt, and as a further mark of respect to the memory of Beverly Albro; on motion of Representative Landroche, and as a further mark of respect to the memory of Carolyn Frances Cornell; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ROGER A. PICARD

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 3, 2005:

1 2005-H 5041

BY Crowley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Separation of Powers recommends passage.

IN ORDER FOR WEDNESDAY, MARCH 9, 2005:

1 2005-H 5227

BY Gallison

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF BRISTOL

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Wednesday, March 2, 2005