

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

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Volume 132, No. 46

Wednesday, May 11, 2005

Forty-sixth Day

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The House of Representatives meets at the State House in Providence, Wednesday, May 11, 2005 and is called to order at 4:23 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

**PRESENT - 70:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, 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, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

**ABSENT – 5:** Representatives Menard, Schadone, Singleton, Voccola, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Amaral 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 10, 2005 is approved as printed.

**ANNOUNCEMENT**

Representative Schadone will be unable to attend session today, May 11, and tomorrow May 12. He will be out of state.

**NEW BUSINESS****House Bill No. 6480**

**BY** Schadone

**ENTITLED**, AN ACT RELATING TO SPORTS, RACING, AND ATHLETICS {LC3285/1}

05/11/2005 Introduced, referred to House Judiciary

**House Bill No. 6481**

**BY** Malik, Story

**ENTITLED**, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS {LC3259/1}

05/11/2005 Introduced, referred to House Finance

**House Resolution No. 6482**

**BY** Carter

**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$904.35 TO PAY THE CLAIM OF LISA A. MOORE OF 1131 LAFAYETTE ROAD, NORTH KINGSTOWN, RHODE ISLAND 02852 {LC3270/1}

05/11/2005 Introduced, referred to House Finance

**House Bill No. 6483**

**BY** Costantino, Carter, Slater

**ENTITLED**, AN ACT RELATING TO HEALTH CARE SERVICES -- UTILIZATION REVIEW ACT {LC3226/1}

05/11/2005 Introduced, referred to House Corporations

**House Resolution No. 6484**

**BY** Sullivan, Moffitt, Williamson, Gorham, Landroche

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING RAYMOND RABOIN ON BEING NAMED "TEACHER OF THE YEAR" {LC3277/1}

Representative Sullivan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Sullivan seconded by Representatives Moffitt, Gorham, Landroche, and Caprio and by unanimous consent, on a voice vote.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill** No. 123 SUB A

**BY** Gibbs

**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (Little Compton to adopt a tax classification and tax rate on taxes assessed on or after December 31, 2004) {LC669/1/A}

05/11/2005 Referred to House Corporations

**Senate Bill** No. 951 SUB A as amended

**BY** DaPonte

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS ( mandate that motor vehicle inspection facilities have in place a garage keeper's legal liability insurance policy) {LC2741/1/A}

05/11/2005 Referred to House Corporations

**Senate Bill** No. 495

**BY** Doyle

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES (exclude prepaid wireless telephone service from the law regarding sales of gift certificates) {LC2219/1}

05/11/2005 Referred to House Corporations

**Senate Bill** No. 575

**BY** Metts, Pichardo, Levesque C, Caprio F

**ENTITLED**, AN ACT RELATING TO ELECTIONS (lost the right to vote upon a felony conviction will have that right restored upon discharge) {LC970/1}

05/11/2005 Referred to House Judiciary

**Senate Resolution** No. 458

**BY** Metts, Pichardo, Levesque C, Perry

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND TO SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION (ELECTIONS) (convicted felons right to vote restored upon release from prison) {LC1373/1}

05/11/2005 Referred to House Judiciary

**Senate Bill** No. 697 SUB A (Governor)

**BY** Breene

**ENTITLED**, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS (department of labor and training/SUTA Dumping Prevention Act of 2004) {LC1562/1/A}

05/11/2005 Referred to House Finance

**Senate Bill** No. 956  
**BY** Ruggerio, Goodwin, Lanzi, Tassoni, Damiani  
**ENTITLED**, AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS {LC2736/1}  
05/11/2005 Referred to House Labor

**Senate Bill** No. 630 as amended  
**BY** Ruggerio, McCaffrey, Goodwin, DaPonte, Polisena  
**ENTITLED**, AN ACT RELATING TO LABOR -- ARBITRATION {LC1156/1}  
05/11/2005 Referred to House Labor

### CALENDAR

From the Calendar are taken:

#### IN ORDER FOR WEDNESDAY, MAY 11, 2005:

**1 2005-H 5548 as amended**

**BY Rice**

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE

Committee on Judiciary recommends passage as amended.

Representative Rice moves passage of the act, seconded by Representatives Ajello and Flaherty.

By unanimous consent, Representative Rice, seconded by Representatives Ajello and Flaherty offers a written motion to amend.

### FLOOR AMENDMENT TO 2005 -- H 5548, AS AMENDED

AN ACT RELATING TO CRIMINAL PROCEDURE

Mr. Speaker:

I hereby move to amend 2005 -- H 5548, entitled "AN ACT RELATING TO CRIMINAL PROCEDURE", as follows:

1. On page 1, line 4, by deleting the word "trail" and inserting the word "trial" in place thereof.
2. On page 1, line 8, by deleting the words "nor impacting".
3. On page 1, line 9, by inserting after the word "rights" the following words "for, or diminishing any rights of,".

Respectfully submitted,

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REPRESENTATIVE RICE

The motion to amend prevails on a roll call vote 65 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 1: Representative Petrarca.

Read and passed, as amended, on a roll call vote, 64 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 1: Representative Petrarca.

**2 2005-H 5774 SUB A**

**BY Kennedy**

**ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS --  
HAWKERS AND PEDDLERS**

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

Read, and by unanimous consent, ordered to be placed on the bottom of page 4 of the Calendar as item # 24a.

**3 2005-H 5827**

**BY Costantino**

**ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- CARE FOR THE  
ELDERLY**

Committee on Finance recommends passage.

Representative Costantino moves passage of the act, seconded by Representatives Gemma, Ginaitt, Coderre, Rose, and Jackson.

Representatives Gorham, Costantino and Watson discuss the act.

By unanimous consent, Representative Watson, seconded by Representative Gorham offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**T O**  
**2005 -- H 5827**

AN ACT RELATING TO HUMAN SERVICES -- CARE FOR THE ELDERLY

Mr. Speaker:

I hereby move to amend 2005 -- H 5827, entitled "AN ACT RELATING TO HUMAN SERVICES -- CARE FOR THE ELDERLY", as follows:

1. On page 2, line 18, by adding the word "and" at the end of the sentence after ";
2. On page 2, line 19, by deleting all language in its entirety.
3. On page 2, line 20, by deleting "(3)" and adding in place thereof "(2)".

Respectfully submitted,

REPRESENTATIVE WATSON

Representatives Watson, Costantino, Ehrhardt, Caprio, McHugh, Gorham, and Fox discuss the amendment.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 12, 2005 as item #1.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Gordon D. Fox, State Representative, District 4, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: 05-H 6001 SUBA

2. (Nature of the potential conflict) I have the following interest in the matter:

A legal matter pending before the RI District Court involving this issue.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Gordon D. Fox  
Representative, District 4

State of Rhode Island  
County of Providence

Subscribed and sworn to before me this 11<sup>th</sup> day of May AD, 2005

David W. Dumas  
Notary Public

Representative Fox is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY  
Speaker of the House of Representatives

**4 2005-H 6001 SUB A**

**BY McCauley**

**ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL  
LANDLORD AND TENANT ACT**

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

Representative Kennedy moves passage of the act, seconded by Representatives Lima, Rose, McCauley, McHugh, Laroche, Melo, Gemma, San Bento, Kilmartin, Moura, Trillo, Scott, Amaral and Long.

Representative Trillo discusses the act.

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: Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**5 2005-H 5320 SUB A****BY Jacquard****ENTITLED, AN ACT RELATING TO BANKING AND INSURANCE  
CONSUMER PROTECTION**

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

Representative Kennedy moves passage of the act, seconded by Representatives San Bento, Lima, Gemma, Rice, Amaral, and Long.

Representatives Savage, Jacquard, and Moffitt discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 67 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 67: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams.

NAYS - 1: Representative Winfield.

**6 2005-H 5100 SUB A****BY Coderre E****ENTITLED, AN ACT RELATING TO INSURANCE -- MEDICARE  
SUPPLEMENT INSURANCE**

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

Representative Coderre moves passage of the act, seconded by Representatives Jacquard and Gemma.

By unanimous consent, Representative Coderre, seconded by Representatives Handy, Gallison, Rice, and Gemma offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2005 -- H 5100 SUBSTITUTE A****AN ACT RELATING TO INSURANCE -- MEDICARE SUPPLEMENT INSURANCE**



Mr. Speaker:

I hereby move to amend 2005 -- H 5100 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- MEDICARE SUPPLEMENT INSURANCE", as follows:

1. On page 2, line 27 by deleting the word "including" and by inserting in place thereof the words "which may include".
2. On page 4, line 19, by restoring the words "its subscribers".

Respectfully submitted,

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REPRESENTATIVE CODERRE

The motion to amend prevails 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, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

The bill marked Substitute "A" is read and passed, as amended, 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: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

**7 2005-H 5816 SUB A**

**BY Coderre E**

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers 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, May 18, 2005

**8 2005-H 6206 as amended**

**BY Crowley**

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS --  
EDUCATION**

Committee on Separation of Powers recommends passage as amended.

Representative Crowley moves passage of the act, seconded by Representatives Shanley, Lally, Lewiss, San Bento, Fox, Gemma, Jackson, and Coderre.

By unanimous consent, Representative Crowley, seconded by Representatives Lewiss, Shanley, San Bento, and Coderre offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2005 -- H 6206 AS AMENDED**

**AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION**

Mr. Speaker:

I hereby move to amend 2005 -- H 6206 AS AMENDED, entitled "AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION", as follows:

- (1) On page 2, line 8, to and inclusive of line 12, by deleting all language following the designation "(d)" on line 8.
- (2) On page 2, line 15, by placing a period "." after the word "governors" and by deleting the words "who shall receive seventy-five dollars (\$75.00)"
- (3) On page 2, lines 16 and 17 by deleting all language thereon.
- (4) On page 2, line 18, by deleting the language "one year."
- (5) On page 5, line 15 to and inclusive of line 26 by deleting all language thereon.
- (6) On page 6, line 15 to and inclusive of line 19, by deleting all language thereon.
- (7) On page 6, line 22, by placing a period "." after the word regents and by deleting the words "who shall receive seventy-five dollars (\$75.00)".
- (8) On page 6, lines 23, and 24, by deleting all language thereon.
- (9) On page 6, line 25, by deleting the language "in any one year."
- (10) On page 10, lines 14 and 15, by restoring all stricken language from and including the word "submit" to inclusive of the word "education."
- (11) On page 10, line 15, by deleting the language "Within ninety (90) days after the end of each".
- (12) On page 10, line 16 to inclusive of line 26 by deleting all language thereon.

Respectfully submitted,

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REPRESENTATIVE CROWLEY

Representative Crowley discusses the amendment.

The motion to amend prevails 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, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Williams, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

**9 2005-H 6430**

**BY Malik**

**ENTITLED, AN ACT RELATING TO VETERANS' AFFAIRS**

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 19, 2005.

**10 2005-H 5204 SUB A**

**BY San Bento**

**ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES**

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

Representative Fox moves to recommit to the Committee on Corporations, seconded by Representative Kilmartin. There is no objection.

Read and recommitted to the Committee on Corporations.

**11 2005-H 5464 SUB A**

**BY Schadone**

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS**

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

Representative Kennedy moves passage of the act, seconded by Representative Gemma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 59 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Loughlin, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Story, Sullivan, Trillo, Williams, Winfield.

NAYS - 5: Representatives Gorham, Long, McManus, Smith, Ucci.

**12 2005-H 5500 SUB A**

**BY Lewiss**

**ENTITLED, AN ACT RELATING TO ELECTIONS -- GENERAL PROVISIONS**

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

Representative Kennedy moves passage of the act, seconded by Representative Lewiss.

Representatives Watson and Lewiss discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 60 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy,

Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Williams, Winfield.

NAYS - 6: Representatives Gorham, Long, Loughlin, McManus, Scott, Watson.

**13 2005-H 6164 SUB A**

**BY Coderre E**

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

Representative Coderre moves passage of the act, seconded by Representatives Kilmartin, Jacquard, Lima, Palumbo, Gemma, and Moura.

By unanimous consent, Representative Coderre, seconded by Representatives Kilmartin offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 6164 SUBSTITUTE A**

**AN ACT RELATING TO SEPARATION OF POWERS**

Mr. Speaker:

I hereby move to amend 2005 -- H 6164 SUBSTITUTE A, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

(1) On page 1, line 17, after the word "Island" by inserting the following language "for this appointment".

(2) On page 2, line 3, by deleting the words "builders association" and inserting in place thereof the following language: "Builders Association for this appointment".

(3) On page 3, line 6, after the word "Island" by inserting the following language "for this appointment".

(4) On page 12, line 27, by deleting the words "Members of an historic".

(5) On page 12, by deleting the words contained on lines 28 through 30.

Respectfully submitted,

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REPRESENTATIVE CODERRE

Representatives Coderre, Watson, and Gorham discuss the amendment.

Representative Kilmartin rises on a point of order for Representative Gorham to speak germane to the amendment. The Honorable Speaker rules for Representative Gorham to speak germane to the amendment.

The motion to amend prevails on a roll call vote 42 members voting in the affirmative and 19 members voting in the negative as follows:

YEAS - 42: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McHugh, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Shanley, Slater, Sullivan, Williams.

NAYS - 19: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Giannini, Gorham, Laroche, Long, Loughlin, McManus, Moffitt, Mumford, Savage, Scott, Story, Ucci, Watson, Winfield.

Representatives Coderre and Gorham discuss the act, as amended.

Representative Moura rises on a point of order for Representative Gorham to speak germane to the act, as amended. The Honorable Speaker rules for Representative Gorham to speak germane to the act, as amended.

Representative Amaral continues discussion on the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 48 members voting in the affirmative and 18 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, McHugh, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Shanley, Slater, Smith, Sullivan, Williams.

NAYS - 18: Representatives Amaral, Caprio, Davey, DeSimone, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Savage, Scott, Story, Trillo, Ucci, Watson, Winfield.

**14 2005-H 5773 SUB A**

**BY Kennedy**

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES**

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

Representative Kennedy moves passage of the act, seconded by Representative Gemma.

Representatives Scott, Rice and Kennedy discuss the act.

By unanimous consent, Representative Gorham, seconded by Representatives Watson, Scott, Long and Loughlin offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2005 -- H 5773 SUBSTITUTE A**

AN ACT RELATING TO TOWNS AND CITIES

Mr. Speaker:

I hereby move to amend 2005 -- H 5773 SUBSTITUE A, entitled "AN ACT RELATING TO TOWNS AND CITIES", as follows:

On page 5, line 4, after the word "employees" by deleting the period "." and inserting in place thereof the following:

", but shall be subject to the requirements of title 36, chapter 14 and title 42, chapter 90 as if they were governmental employees."

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GORHAM

Representatives Fox and Gorham discuss the amendment.

Representative Fox moves to lay the amendment on the table, seconded by Representative Kilmartin.

The motion to lay the amendment on the table prevails on a roll call vote 36 members voting in the affirmative and 29 members voting in the negative as follows:

YEAS - 36: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Corvese, Costantino, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Shanley, Slater.

NAYS - 29: Representatives Amaral, Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Handy, Laroche, Long, Loughlin, McHugh, McManus, Moffitt, Moran, Mumford, Palumbo, Petrarca, Savage, Scott, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Winfield.

Representatives Watson, Fox and Gorham discuss the act.

Representatives Kilmartin and San Bento rise on several points of order for Representative Gorham to speak germane to the act. The Honorable Speaker rules for Representative Gorham to speak germane to the act.

Representatives Fox, Caprio, Scott, Ucci, Kennedy, and McHugh continue discussion on the act.

Representative McHugh moves to recommit the act, seconded by Representative Scott.

The motion to recommit the act fails on a roll call vote 27 members voting in the affirmative and 35 members voting in the negative as follows:

YEAS - 27: Representatives Amaral, Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Jackson, Laroche, Long, Loughlin, McHugh, McManus, Moffitt, Moran, Mumford, Palumbo, Savage, Scott, Shanley, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 35: The Honorable Speaker Murphy and Representatives Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Handy, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Sullivan.

Representatives Watson, Gorham, Long Caprio, and Kennedy continue discussion on the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 35 members voting in the affirmative and 27 members voting in the negative as follows:

YEAS - 35: The Honorable Speaker Murphy and Representatives Almeida, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fox, Gallison, Gemma, Handy, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Slater, Sullivan, Williams.

NAYS - 27: Representatives Amaral, Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Jackson, Laroche, Long, Loughlin, McHugh, McManus, Moffitt, Moran, Mumford, Petrarca, Savage, Scott, Shanley, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

**15 2005-H 5753**

**BY Lewiss**

**ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF  
VOTERS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives McHugh, Lewiss, and Mumford.



By unanimous consent, Representative Lewiss, seconded by Representatives Pacheco and Slater offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2005 -- H 5753**

AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Mr. Speaker:

I hereby move to amend 2005 -- H 5753, entitled "AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS", as follows:

On page 1, line 18, by inserting the following language and numerals:

"The foregoing usage of the United States Postal Services Post Office Boxes shall be limited to the following zip codes: 02801, 02802, 02804, 02807, 02808, 02814, 02815, 02823, 02824, 02825, 02826, 02827, 02829, 02831, 02832, 02833, 02839, 02872, 02873, 02876, 02877, and 02898", after the word "mail".

Respectfully submitted,

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REPRESENTATIVE LEWISS

Representatives Caprio, Ajello, McHugh, Corvese, Lewiss, Faria, and Long discuss the amendment.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 12, 2005 as item # 2.

**16 2005-H 6279**

**BY Moura**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Representative Flaherty moves passage of the act, seconded by Representatives Moura and Corvese.

Read and passed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco,

Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

**17 2005-H 5349**

**BY Anguilla**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 25, 2005

**18 2005-H 5887**

**BY Lally**

**ENTITLED,** AN ACT RELATING TO SEXUAL OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representatives Shanley, Giannini, Brien, Landroche, Carter, Faria, Sullivan, Ucci, Palumbo, Naughton, Corvese, Diaz, Coderre, McNamara, Ginaitt, Lima, Rice, Moran, San Bento, Caprio and Picard.

Representative Palumbo discusses the act.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Amaral, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Story, Sullivan, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

**19 2005-H 5327**

**BY Lally**

**ENTITLED,** AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 17, 2005.

**20 2005-H 6007**

**BY McCauley**

**ENTITLED, AN ACT RELATING TO LAND SURVEYORS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Scott and Petrarca.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Story, Sullivan, Ucci, Watson, Winfield.

NAYS - 0.

**21 2005-H 6004**

**BY McCauley**

**ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS --  
CONTRACTORS' REGISTRATION**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Gemma, Kilmartin and Lally.

Read and passed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Story, Sullivan, Ucci, Wasyluk, Watson, Winfield.

NAYS - 0.

**22 2005-H 6000****BY McCauley****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
ARCHITECTS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Gemma.

Representatives Watson, Kennedy and Fox discuss the act.

By unanimous consent, Representative Fox, seconded by Representative Watson offers an oral motion to amend.

The oral amendment prevails on a roll call vote 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Story, Sullivan, Ucci, Wasyluk, Watson, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 53 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 53: Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lima, Long, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Story, Sullivan, Ucci, Watson, Winfield.

NAYS - 1: Representative Lewiss.

**REQUEST**

Representative Lewiss requests the journal to reflect that he had voted incorrectly on (05-H 6000aa), he should have voted in the affirmative.

**23 2005-H 5319 SUB A****BY Jacquard****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- DECEPTIVE TRADE PRACTICES

Committee on Corporations 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 Thursday, May 12, 2005.

**24 2005-H 5316 SUB A****BY O'Neill****ENTITLED,** AN ACT RELATING TO THE PUBLIC UTILITIES AND CARRIERS

Committee on Corporations 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, May 25, 2005.

**24a. 2005-H 5774 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS -- HAWKERS AND PEDDLERS

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

Representative Kennedy moves passage of the act, seconded by Representatives Lima and Flaherty.

Representatives Mumford, Kennedy, Lima, Watson, Palumbo, Ucci, Loughlin, Gorham, Gemma, and Lima discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 37 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS - 37: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Fox, Gallison, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McHugh, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Shanley, Sullivan, Winfield.

NAYS - 13: Representatives Amaral, Ehrhardt, Gemma, Gorham, Loughlin, McManus, Moran, Mumford, Savage, Scott, Story, Ucci, Watson.

Majority Leader Fox requests to take up the following item #'s 37, 39, and 46.

**37 2005-H 6160**

**BY Faria**

**ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE  
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 25, 2005.

**39 2005-H 5627 SUB A**

**BY Lima**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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, May 25, 2005.

**46 2005-H 6466**

**BY Gallison**

**ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE  
COMMISSION TO STUDY THE IMPOSITION OF THE DEATH  
PENALTY IN CERTAIN CIRCUMSTANCES

Ordered on the Calendar

Representative Fox moves to recommit to Judiciary, seconded by Representative Kilmartin. There is no objection.

Read and recommitted to the Committee on Judiciary

On suggestion of Representative Fox, and by unanimous consent, the remainder of the Calendar for today is continued to Thursday, May 12, 2005.

**FROM THE DESK IS TAKEN**

**House Bill No. 5999** SUB A as amended  
**BY** Gemma, Faria, Winfield, Sullivan, Gallison

**ENTITLED**, AN ACT RELATING TO ACCIDENT AND SICKNESS INSURANCE POLICIES (medical coverage for 2 mammograms per year for females with a family history of breast cancer) {LC2418/2/A}

Representative Fox moves to reconsider the act, seconded by Representatives Kilmartin. and Naughton. The motion to reconsider prevails on a roll call vote, 46 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Ehrhardt, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Savage, Scott, Story, Sullivan, Ucci, Winfield.

NAYS - 1: Representative Watson.

Representative Fox moves passage of the act, seconded by Representatives Gemma, Kilmartin and Naughton.

Representative Fox offers Representative Gemma's written motion to amend, seconded by Representative Gemma.

**F L O O R   A M E N D M E N T**  
**TO**  
**2005 -- H 5999 SUBSTITUTE A As Amended**

AN ACT RELATING TO ACCIDENT AND SICKNESS INSURANCE POLICIES

Mr. Speaker:

I hereby move to amend 2005 -- H 5999 SUBSTITUTE A As Amended, entitled "AN ACT RELATING TO ACCIDENT AND SICKNESS INSURANCE POLICIES", as follows:

(1) On page 2, line 10, by inserting the language "or atypical ductal hyperplasia" after the wording "(lobular carcinoma in situ)" and before the period.

(2) On page 2, line 21, by inserting the language "or atypical ductal hyperplasia" after the wording "(lobular carcinoma in situ)" and before the period.

(3) On page 2, line 33, by inserting the language "or atypical ductal hyperplasia" after the wording "(lobular carcinoma in situ)" and before the period.

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GEMMA

The motion to amend prevails on a roll call vote 50 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Ehrhardt,

Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McHugh, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Story, Sullivan, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 48 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Ehrhardt, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, McHugh, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Story, Sullivan, Ucci, Wasylyk, Watson, Winfield.

NAYS - 1: Representative McManus.

#### FROM THE DESK IS TAKEN

**House Bill No. 5496** SUB A as amended (Attorney General)

**BY** Sullivan, Handy, Naughton

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (waste not generated or collected outside territorial limits of RI) {LC1335/1/A}

Representative Fox moves to reconsider (05-H 5496SUB Aaa), seconded by Representative Kilmartin.

The motion to reconsider prevails on a roll call vote, 33 members voting in the affirmative and 24 members voting in the negative as follows:

YEAS - 33: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Ginaitt, Jackson, Kilmartin, Lally, Landroche, Lima, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, Shanley, Slater.

NAYS - 24: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Gorham, Laroche, Long, Loughlin, McHugh, McManus, Moffitt, Moran, Petrarca, Savage, Scott, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

Representative Fox moves to recommit to Finance, seconded by Representative Kilmartin.

Representatives Ucci, Fox, and Watson discuss the motion to recommit.



The motion to recommit prevails on a roll call vote, 40 members voting in the affirmative and 23 members voting in the negative as follows:

YEAS - 40: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Shanley, Slater, Sullivan.

NAYS - 23: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Giannini, Gorham, Laroche, Long, Loughlin, McHugh, Moffitt, Moran, Palumbo, Petrarca, Savage, Scott, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

Read and recommitted to the Committee on Finance

### 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 with the exception of a bill being held on the desk.

### ANNOUNCEMENTS

Representative Carter wishes William "Bill" Spicer a Happy Birthday.

Representative Naughton congratulates Emilie Joyal and her husband on their 20<sup>th</sup> wedding anniversary.

Representative Landroche congratulates Representative Timothy Williamson and his wife Mary Ann, on their 14<sup>th</sup> wedding anniversary.

Representative Moran wishes his father, Joseph P. Moran Jr., a Happy 68<sup>th</sup> Birthday.

Representative Moran congratulates Lt. Robert Pelletier of Central Falls Police Dept. on becoming a Deputy Sheriff for the State of R.I.

### GUESTS

Representative Sullivan welcomes to the House Chamber as guests Raymond Raboin and congratulates him on being named "Teacher of the Year". Representative Sullivan also welcomes Fran Murphy, Principal of Hopkins Hill School.

Representative Moffitt welcomes to the House as guests Dotty and Tony Mantia-Regional Vice President of Primereca Financial Services

Representative Kilmartin and the Honorable Speaker Murphy welcome to the Chamber as a guest Dan Sprague-Executive Director of the Council of State Government.

Representative Rice welcomes to the House Chamber as guests Girl Scout Troop 495 from Newport and Bristol County. The Honorable Speaker also welcomes the Girl Scouts to the Rhode Island State House.

Representative Amaral welcomes to the House James Hines.

Representative Giannini introduces to the Chamber Representative Anastasia Williams' daughter, Heaven Nicole.

### ADJOURNMENT

At 7:50 o'clock P.M. on motion of Representatives Caprio, McHugh, Lally, Shanley, Carter and as a further mark of respect to the memory of Scott W. Westcott; on motion of Representative Church, and as a further mark of respect to the memory of Anita L. Dolbec; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE JOSEPH N. AMARAL**

Lord, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

**APPENDIX****CALENDAR****IN ORDER FOR THURSDAY, MAY 12, 2005:****1 2005-H 5827****BY Costantino****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- CARE FOR THE ELDERLY**

Committee on Finance recommends passage.

**2 2005-H 5753****BY Lewiss****ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS**

Committee on Corporations recommends passage.

**3 2005-H 5319 SUB A****BY Jacquard****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- DECEPTIVE TRADE PRACTICES**

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

**4 2005-H 6248 SUB A****BY Moura****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS**

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

**5 2005-H 5759 SUB A****BY Kilmartin****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - SUNDAY BUSINESS**

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

**6 2005-H 5158 SUB A****BY Gemma****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNINSURED MOTORIST  
COVERAGE

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

**7 2005-H 5756 SUB A****BY Melo****ENTITLED,** AN ACT RELATING TO RESIDENTIAL LANDLORD AND  
TENANT ACT

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

**8 2005-H 6233 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING  
ACT

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

**9 2005-H 5420 SUB A****BY Lima****ENTITLED,** AN ACT RELATING TO LABOR -- MINIMUM WAGES

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

**10 2005-H 6211 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES

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

**11 2005-H 6232 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL  
REGULATORY PROVISIONS -- ELECTRONIC MAIL FRAUD

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

**12 2005-H 5414 SUB A****BY Kilmartin****ENTITLED,** AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

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

**13 2005-H 5412 SUB A****BY Anguilla****ENTITLED,** AN ACT RELATING TO PUBLIC ACCOUNTANCY

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

**14 2005-H 5304****BY McNamara****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE AND DISCIPLINE

Committee on Corporations recommends passage.

**15 2005-H 5027 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES

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

**16 2005-H 5962****BY Ehrhardt****ENTITLED,** AN ACT RELATING TO INSURANCE AND REPORTING REQUIREMENTS

Committee on Corporations recommends passage.

**17 2005-H 5494 SUB A****BY Moura****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

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

**18 2005-H 5640****BY Lewiss****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE POSSESSION

Committee on Judiciary recommends passage.

**19 2005-H 5305****BY Ginaitt****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- SALE OF WATER

Committee on Corporations recommends passage.

**20 2005-H 5451****BY McNamara****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- BICYCLE FACILITIES

Committee on Highway Safety recommends passage.

**21 2005-H 5648****BY Church****ENTITLED,** AN ACT RELATING TO HIGHWAYS -- DIRECTING THE DEPARTMENT OF TRANSPORTATION TO ERECT A SCHOOL ZONE TRAFFIC SIGNS

Committee on Highway Safety recommends passage.

**22 2005-H 6173****BY Long****ENTITLED,** AN ACT RELATING TO HIGHWAYS

Committee on Highway Safety recommends passage.

**23 2005-H 6205****BY Gemma****ENTITLED,** AN ACT RELATING TO THE PAINTING OF TRAFFIC LINES ON GREENWICH AVENUE AND PONTIAC AVENUE IN THE CITY OF WARWICK

Committee on Highway Safety recommends passage.

**24 2005-H 6174****BY Gemma****ENTITLED,** JOINT RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO MOVE THE EXISTING TRAFFIC

SIGNAL BETWEEN NORWOOD AVENUE AND WELFARE  
AVENUE IN THE CITY OF WARWICK

Committee on Highway Safety recommends passage.

**25 2005-H 6104 SUB A**

**BY Fox**

**ENTITLED,** AN ACT RELATING TO STATUTES AND STATUTORY  
CONSTRUCTION

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

**26 2005-H 5089 SUB A**

**BY Gallison**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

**27 2005-H 5911 SUB A**

**BY Ginaitt**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY  
REDUCTION AND EDUCATION ACT

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

**28 2005-H 6249**

**BY Flaherty**

**ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Corporations recommends passage.

**29 2005-H 6167**

**BY Kilmartin**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Corporations recommends passage.

**30 2005-H 5191**

**BY Lima**

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Committee on Labor recommends passage.



**31 2005-H 5553****BY Diaz****ENTITLED,** HOUSE RESOLUTION HONORING CESAR ESTRADA CHAVEZ  
(1927-1993)

Committee on Labor recommends passage.

**32 2005-H 5718****BY Carter****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
MECHANICAL TRADES

Committee on Labor recommends passage.

**33 2005-H 5849****BY Moura****ENTITLED,** AN ACT RELATING TO LABOR - PRIVACY PROTECTION

Committee on Labor recommends passage.

**IN ORDER FOR TUESDAY, MAY 17, 2005:****1 2005-H 5327****BY Lally****ENTITLED,** AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT

Committee on Judiciary recommends passage.

**IN ORDER FOR WEDNESDAY, MAY 18, 2005:****1 2005-H 5816 SUB A****BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS

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

**IN ORDER FOR THURSDAY, MAY 19, 2005:****1 2005-H 6430****BY Malik****ENTITLED,** AN ACT RELATING TO VETERANS' AFFAIRS

Ordered on the Calendar

**2 2005-H 5717****BY Malik****ENTITLED,** AN ACT RELATING TO LABOR RELATIONS ACT

Committee on Labor recommends passage.

**3 2005-H 5850****BY Moura****ENTITLED,** AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Committee on Labor recommends passage.

**4 2005-H 5650****BY Moura****ENTITLED,** AN ACT RELATING TO EMPLOYMENT OF WOMEN AND CHILDREN

Committee on Labor recommends passage.

**5 2005-H 5649 SUB A****BY Moura****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT OF WOMEN AND CHILDREN

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

**IN ORDER FOR WEDNESDAY, MAY 25, 2005:****1 2005-H 5349****BY Anguilla****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Committee on Judiciary recommends passage.

**2 2005-H 5316 SUB A****BY O'Neill****ENTITLED,** AN ACT RELATING TO THE PUBLIC UTILITIES AND CARRIERS

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

**3 2005-H 6160****BY Faria****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE  
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

**4 2005-H 5627 SUB A****BY Lima****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLESCommittee on Judiciary recommends indefinite postponement of the original bill and  
passage of Substitute A.**IN ORDER FOR THURSDAY, MAY 26, 2005:****1 2005-H 6192****BY Jacquard****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE  
DISPOSAL

Committee on Environment and Natural Resources recommends passage.

**Louis D'Antuono**  
**Clerk of the House**

Wednesday, May 11, 2005