

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

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Volume 133, No. 25

Wednesday March 8, 2006

Twenty-fifth Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 8, 2006 and is called to order at 4:18 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylk, Watson, Williams, Williamson, Winfield.

ABSENT – 5: Representative Carter, Flaherty, McHugh, Moffitt, Voccola.

**INVOCATION**

The Honorable Speaker presents Representative Ucci 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 7, 2006 is approved as printed.

**ANNOUNCEMENT**

Representative Victor Moffit will be unable to attend session Wednesday, March 8, 2006. He is out state on business.

**REPORTS OF COMMITTEE  
COMMITTEE ON SEPARATION OF POWERS**

Representative Coderre, for the Committee on Separation of Powers, reports back the following measures, with recommendation of passage:

**House Bill No. 6889 SUB A**

**BY** Coderre E, Crowley, Gemma, Gallison, Lima

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (extensive technical changes to the laws relating to the RI resource recovery corporation in order to bring it into compliance with the separation of powers as well as providing detailed annual reporting requirements for the corporation)

{LC924/1/A}

03/08/2006 Placed on House Calendar

**House Bill No. 7157**

**BY** Coderre E, Crowley, Gallison

**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS (reconfigure the state comprehensive planning board) {LC1824/1}

03/08/2006 Placed on House Calendar

**House Bill No. 7440**

**BY** Coderre E, Almeida, Jackson, Gemma, Lima

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from the state crime laboratory commission) {LC2491/1}

03/08/2006 Placed on House Calendar

**House Bill No. 7205 SUB A**

**BY** Coderre E, Almeida, Gemma, Williams

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (require newly appointed members of the RI Human Resource Council to attend a training course)

{LC1828/2/A}

03/08/2006 Placed on House Calendar

**House Bill No. 7204**

**BY** Coderre E, Lima, Williamson

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL RECREATIONAL BUILDING AUTHORITY (consist of five members, appointed by the governor and subject to the advice and consent of the senate) {LC1811/1}

03/08/2006 Placed on House Calendar

**House Bill No. 7156 SUB A****BY** Coderre E, Crowley, Gallison, Anguilla**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
NARRAGANSETT INDIAN LAND MANAGEMENT CORPORATION (eliminate the ninth  
director) {LC1818/1/A}

03/08/2006 Placed on House Calendar

**House Bill No. 7155 SUB A****BY** Coderre E, Crowley, Gallison, Anguilla**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (require the pilotage  
commission to submit an annual report) {LC1814/1/A}

03/08/2006 Placed on House Calendar

**NEW BUSINESS****House Bill No. 7846****BY** Menard**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF HEALTH (require that food  
establishments when requested by a customer or patron would be required to provide a  
carbohydrate count of a food product) {LC2312/1}

03/08/2006 Introduced, referred to House H.E.W.

**House Bill No. 7847****BY** Menard, Brien T, Giannini**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- LICENSE FOR  
MOTORCYCLES (prohibit the tampering or altering of a motorcycle baffle or exhaust system)  
{LC2325/1}

03/08/2006 Introduced, referred to House Judiciary

**House Bill No. 7848****BY** Coderre E, Rose, Melo, Dennigan**ENTITLED**, AN ACT RELATING TO SPECIAL DEVELOPMENT DISTRICTS - EAST  
PROVIDENCE {LC2713/1}

03/08/2006 Introduced, referred to House Separation of Powers

**House Bill No. 7849****BY** Menard, Singleton, Winfield, Petrarca**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -  
LIABILITY AND COMPUTATION (repeal the exemption of sales and use taxes for municipal  
economic development zones) {LC2419/1}

03/08/2006 Introduced, referred to House Finance

**House Bill No. 7850****BY** Menard, Petrarca, McManus**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- REDEVELOPMENT  
PROJECTS {LC2708/1}

03/08/2006 Introduced, referred to House Finance

**House Bill No. 7851****BY** Menard, Petrarca, McManus**ENTITLED**, AN ACT RELATING TO MOTOR FUEL TAX (exempt the town of Lincoln from the state fuel tax, special excise tax, special spill tax and the underground storage fee) {LC2707/1}

03/08/2006 Introduced, referred to House Finance

**House Bill No. 7852****BY** Menard, Brien T, Winfield, Petrarca, Flaherty**ENTITLED**, AN ACT RELATING TO JOBS GROWTH (reduce the eligibility requirements for aid under the jobs growth act thereby increasing the number of employers receiving help) {LC2421/1}

03/08/2006 Introduced, referred to House Finance

**House Bill No. 7853****BY** Menard, Petrarca, Brien T, Ucci**ENTITLED**, AN ACT RELATING TO PROPERTY -- CONDOMINIUM OWNERSHIP (require municipalities to provide those services that are provided to single family residences to condominiums or in the alternative to reimburse condominiums the cost of said services) {LC2315/1}

03/08/2006 Introduced, referred to House Corporations

**House Bill No. 7854****BY** Menard, Petrarca, McManus**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC2705/1}

03/08/2006 Introduced, referred to House Corporations

**House Bill No. 7855****BY** Rice, Jackson, Long**ENTITLED**, AN ACT RELATING TO WATER LINES AND WORKS FOR THE TOWN OF MIDDLETOWN {LC2661/1}

03/08/2006 Introduced, referred to House Corporations

**House Bill No. 7856****BY** Naughton, Coderre E, San Bento, Lima, McNamara**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF REHABILITATION COUNSELORS {LC2407/1}

03/08/2006 Introduced, referred to House Corporations

**House Bill No. 7857****BY** Naughton, Coderre E, San Bento, Lima, McNamara**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE {LC2589/1}

03/08/2006 Introduced, referred to House Corporations

**House Bill No. 7858****BY** Moura, Diaz, McCauley**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND INVESTMENT INITIATIVE {LC2467/1}

03/08/2006 Introduced, referred to House H.E.W.

**House Resolution No. 7859****BY** Naughton, Williams, Ajello, San Bento, Church**ENTITLED**, HOUSE RESOLUTION PROCLAIMING THE MONTH OF MARCH, 2006 TO BE "SAVE YOUR VISION MONTH" IN THE STATE OF RHODE ISLAND {LC2704/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Williams, Pacheco, Ajello, Picard and many other members of the House by unanimous consent, on a voice vote.

**House Resolution No. 7860****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2711/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7861****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2712/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 2454** (Transportation)**BY** Breene, Blais**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF TRANSPORTATION (repeal the requirement that the dept of transportation contract with outside firms for the repair and/or maintenance of state property damaged by motor vehicles) {LC1299/1}

03/08/2006 Referred to House Finance

**Senate Bill No. 2191****BY** Gibbs, Cote, Bates, Breene, Perry**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC490/1}

03/08/2006 Referred to House Corporations

**Senate Bill No. 2011** SUB A**BY** Walaska, Alves**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DEFINITIONS AND GENERAL CODE PROVISIONS (define a motorized scooter) {LC199/1/A}

03/08/2006 Referred to House Corporations

**Senate Bill No. 2826****BY** Connors, Lenihan, Paiva-Weed**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from the state crime laboratory commission, in accord with the recent amendments to the state constitution) {LC2353/1}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2592** as amended**BY** Lenihan**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS (reconfigure the state comprehensive planning board) {LC1823/1}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2743** as amended**BY** Levesque C, Roberts**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- NARRAGANSETT INDIAN LAND MANAGEMENT CORPORATION ( eliminate the ninth director in the Narragansett Indian Land Management Council) {LC1816/1}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2742** SUB A**BY** Levesque C, Paiva-Weed, Lenihan, Roberts**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (members of the Rhode Island Human Resource Council to attend a training course and provide for the appointment of members in the situation of a vacancy) {LC1827/1/A}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2740** as amended

**BY** Lenihan, Badeau

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION ( make extensive technical changes to the laws relating to the Rhode Island resource recovery corporation) {LC926/1}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2598**

**BY** Felag, Levesque C, Lenihan, Gibbs

**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE AUTHORITY (abolish the Mount Hope Bridge Authority) {LC1820/1}

03/08/2006 Referred to House Separation of Powers

**Senate Bill No. 2595**

**BY** Lenihan

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL RECREATIONAL BUILDING AUTHORITY (consist of five members, appointed by the governor and subject to the advice and consent of the senate) {LC1810/1}

03/08/2006 Referred to House Separation of Powers

### CALENDAR

From the Calendar are taken:

#### IN ORDER FOR WEDNESDAY, MARCH 8, 2006:

**1 2006-H 7068**

**BY** Ginaitt

**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED

Committee on Health, Education & Welfare recommends passage.

Representative Ginaitt moves passage of the resolution, seconded by Representatives Sullivan, Ajello, McNamara, Diaz, Coderre, Landroche, San Bento, Ucci, Lima, Kennedy and Brien.

Read and passed, on a roll call vote, 54 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Jackson, Jacquard, Kennedy, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McNamara, Melo, Menard, Moran, Moura, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Sullivan, Ucci, Wasylyk, Williamson, Winfield.

NAYS - 7: Representatives Davey, Gorham, McManus, Mumford, Story, Trillo, Watson.

**2 2006-S 2012****BY Gibbs****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC.

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Amaral, Long, Rice, Jackson and Loughlin.

Read and passed, in concurrence, 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, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

**3 2006-S 2192****BY Montalbano J****ENTITLED,** AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1948, ENTITLED "AN ACT TO INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN OF LINCOLN," AS AMENDED

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Petrarca, Moura, Menard, Landroche, Laroche and Fox.

Read and passed, in concurrence, on a roll call vote, 62 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Ucci, Wasylyk, Watson, Williamson, Winfield.

NAYS - 1: Representative Trillo.



**TRANSMITTAL**

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith.

**ANNOUNCEMENTS**

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

Representative McNamara 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.

Majority Leader Fox introduces and welcomes to the House Chamber Natalia Falcone, an intern who will be assisting his office. The Majority Leader announces Natalia is a senior at Bay View Academy and that today is her 18<sup>th</sup> birthday and wishes her a Happy Birthday. The Honorable Speaker Murphy also wishes Natalia a Happy Birthday.

**GUESTS**

Representative Naughton welcomes to the House Chamber as guests individuals who are working very hard for the Blind and Visually Impaired Children-Elizabeth Frampton and Family, Paul, Audrey and Aria Mia Loberti, Clare Irwin, Lorna Ricci, Almas Kalatian, Kerry Birchall, Mike Gerhardt, Angelina Teixeira, Richard and Catherine Gaffney, Barry Humphries, Jeffrey Kos, Dorothy Mullen, May Jane Frye, Katrena Traut-Savino, Heidi Henshaw, Janet Salek, Kenneth Swanson. The Honorable Speaker Murphy also welcomes the guests and Jeffrey Kos to the Chamber.

Representative Williamson welcomes to the House as guests from the Friendly Sons of St. Patrick-Miss St. Patrick, Charlotte McGovern; her mother Jeanne McGovern; Parade Chairman-Mike O'Connell; Committee Publicist-Mike Jordon; Parade Grand Marshall-John J. Flynn (Town Council President); and Senator Stephen Alves. The Honorable Speaker Murphy also welcomes the guests from the Friendly Sons of St. Patrick and congratulates Miss St. Patrick-Charlotte McGovern. Minority Leader Watson wishes Miss St. Patrick the very best in her reign. and welcomes Mr. Flynn to the House.

Representative Giannini welcomes to the Chamber Kate Begin from Prevent Child Abuse.

Representative Savage welcomes to the House Chamber Patrick Saunders, a freshman at East Providence High School, who is here today for Career Day.

**ADJOURNMENT**

At 4:40 o'clock P.M. on motion of Representative Jackson, and as a further mark of respect to the memories of Nona Marie Busch, Nancy Greig Nance, Arthur J. McPhee, Salvador Ratac Abua, Alton Frederick Jenkins seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE STEPHEN R. UCCI**

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

## APPENDIX

## TRANSMITTED TO THE GOVERNOR

**Senate Bill No. 2012****BY** Gibbs

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC. (town of Middletown to grant retroactive tax exemptions back to December 31, 2003 to any property owned or leased by the Middletown Historical Society, Inc.) {LC16/1}

**Senate Bill No. 2192****BY** Montalbano J, Connors

**ENTITLED**, AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1948,

**ENTITLED** "AN ACT TO INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN OF LINCOLN," AS AMENDED (increase the borrowing limit of the Lime Rock Fire District) {LC1076/1}

## APPENDIX

## CALENDAR

## IN ORDER FOR THURSDAY, MARCH 9, 2006:

**1 2006-S 2165****BY Tassoni**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage in concurrence.

## IN ORDER FOR TUESDAY, MARCH 14, 2006:

**1 2006-H 7205 SUB A****BY Coderre E**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2006-H 7156 SUB A****BY Coderre E**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
NARRAGANSETT INDIAN LAND MANAGEMENT  
CORPORATION

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

**3 2006-H 6889 SUB A****BY Coderre E**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RHODE  
ISLAND RESOURCE RECOVERY CORPORATION

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

**4 2006-H 7204****BY Coderre E**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY

Committee on Separation of Powers recommends passage.

**5 2006-H 7157**

**BY Coderre E**

**ENTITLED,** AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL  
EMPLOYEES BENEFITS

Committee on Separation of Powers recommends passage.

**6 2006-H 7440**

**BY Coderre E**

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

Committee on Separation of Powers recommends passage.

**7 2006-H 7155 SUB A**

**BY Coderre E**

**ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

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

**Francis P. McCabe**  
**Clerk of the House**

**Wednesday, March 8, 2006**