

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 first day of January in the year of Our Lord two thousand and eight.

Volume 135, No. 36

Tuesday, April 8, 2008

Thirty-sixth Day

The House of Representatives meets at the State House in Providence, Tuesday, April 8, 2008 and is called to order at 4:34 o'clock P.M., by the Honorable William J. Murphy, Speaker.

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

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

ABSENT - 3: Representatives Shanley, McManus, Wasylyk.

INVOCATION

The Honorable Speaker presents Representative Gablinske 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 Thursday, April 3, 2008 is approved as printed.

ANNOUNCEMENT

Representative John Patrick Shanley is out of state and therefore unable to attend session Tuesday, April 8 and Wednesday, April 9, 2008.

REPORTS OF COMMITTEES**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

Senate Bill No. 2821

BY Montalbano J, Algieri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (joining Lindsay Powers and Jeffrey Stevens in marriage) {LC2355/1}

04/08/2008 Placed on House Calendar

Senate Bill No. 2739

BY Felag, Gibbs

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Paul A. Jarvie to join Jennifer Ahern and John Mulhern in marriage) {LC2318/1}

04/08/2008 Placed on House Calendar

Senate Bill No. 2717

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Kevin O'Regan to join Kelly Ann Lora and David Tharp in marriage on or about May 23, 2008 within the City of Newport, Rhode Island) {LC2327/1}

04/08/2008 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENT

Representative Gallison, for the Committee on Municipal Government, reports back the following measure, with recommendation of passage:

House Bill No. 7778

BY Moffitt, Serpa, Sullivan

ENTITLED, AN ACT RELATING TO THE COVENTRY FIRE DISTRICT {LC1050/1}

04/08/2008 Placed on House Calendar

NEW BUSINESS**House Bill No. 8125****BY** Segal, Ajello, Rice, Fox

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT (authorize the Narragansett Electric Company to proceed with the construction of the underground alignment of the E-183 line referenced in the settlement agreement that was approved by the Energy Facility Siting Board in Docket 2003-01) {LC2661/1}

04/08/2008 Introduced, referred to House Corporations

House Bill No. 8126**BY** Segal, Rice, Gemma, Williams

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED AND SERIOUSLY ILL (prevent the shut off of gas or electric services in any residence where there is a domiciled person under the age of six (6) years) {LC2667/1}

04/08/2008 Introduced, referred to House Corporations

House Bill No. 8127**BY** Coderre E, Kilmartin, O'Neill, Rose, Dennigan

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES (authorize the Pawtucket city council to issue full and limited Class B licenses which may not be transferred to another person, entity or another location but which would revert to the city of Pawtucket if not renewed by the holder) {LC2660/1}

04/08/2008 Introduced, referred to House Corporations

House Bill No. 8128**BY** Coderre E, Kilmartin, Dennigan, Rose, San Bento

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING BUT NOT LIMITED TO ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2533/1}

04/08/2008 Introduced, referred to House Finance

House Bill No. 8129**BY** Brien, Schadone, Palumbo, Corvese, Savage

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION (require an ultrasound fetal image be made of every fetus about to be aborted for review by the woman seeking the abortion) {LC2675/1}

04/08/2008 Introduced, referred to House Judiciary

House Bill No. 8130**BY** Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Dana L. Hawkins to join Jennifer Angel Scavello and Brian Robert Mulcahey) {LC2695/1}
04/08/2008 Introduced, referred to House Judiciary

House Bill No. 8131**BY** Long

ENTITLED, AN ACT RELATING TO PROPERTY -- ESTATES IN REAL PROPERTY (provide that the limitation of restrictive covenants would not apply to any covenants and/or restrictions initially created by the Commerce Oil Refining Corporation with respect to land in the town of Jamestown) {LC2637/1}
04/08/2008 Introduced, referred to House Municipal Government

House Bill No. 8132**BY** Coderre E, Kilmartin, Dennigan, Rose, San Bento

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2536/1}
04/08/2008 Introduced, referred to House Municipal Government

House Bill No. 8133**BY** Coderre E, Kilmartin, O'Neill, Rose, Dennigan

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$700,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2532/1}
04/08/2008 Introduced, referred to House Municipal Government

House Bill No. 8134**BY** Coderre E, Kilmartin, Dennigan, Rose, San Bento

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR CONSTRUCTION AND RECONSTRUCTION OF THE SEWER AND SANITATION SYSTEM IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$300,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2534/1}
04/08/2008 Introduced, referred to House Municipal Government

House Bill No. 8135**BY** Coderre E, Kilmartin, Dennigan, Rose, San Bento**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$700,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2744/1}

04/08/2008 Introduced, referred to House Municipal Government

House Bill No. 8136**BY** Coderre E, Kilmartin, Dennigan, Rose, San Bento**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2537/1}

04/08/2008 Introduced, referred to House Municipal Government

House Resolution No. 8137**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES {LC2739/1}

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 Bill No. 8138**BY** Petrarca, Fox**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Gregory J. Schadone to join Cheryl A. Schadone and Edward S. Cohen) {LC2735/1}

Representative Petrarca requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Petrarca seconded by Representative Fox on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Segal, Serpa, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

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

House Resolution No. 8139

BY Singleton, Menard, Loughlin

ENTITLED, HOUSE RESOLUTION CONGRATULATING MICHAEL A. TROIANO ON ATTAINING THE RANK OF EAGLE SCOUT {LC2679/1}

Representative Singleton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Singleton seconded by Representatives Menard, Moffitt and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 8140

BY Serpa, Moffitt, Sullivan, Murphy, Gorham

ENTITLED, HOUSE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF JOSEPH A. FOGARTY {LC2728/1}

Representative Serpa requests unanimous consent for immediate consideration.

There is no objection.

Representative Serpa discusses the resolution.

Read and passed, on a motion of Representative Serpa seconded by Representatives Moffitt, Sullivan, Williamson and many other members of the House by unanimous consent, on a rising vote.

House Resolution No. 8141

BY Carter

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE VETERANS HOME IN BRISTOL AND DEVELOP A MASTER PLAN FOR THE OVERALL FUTURE DIRECTION OF THE FACILITY {LC2725/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Loughlin, Rice, Coaty and Gablinske by unanimous consent, on a voice vote.

House Resolution No. 8142

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2733/1}

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.

House Resolution No. 8143

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2734/1}

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.

RULE 17

The following bills were received pursuant to Rule 17:

Representative Almeida-An Act relating to Taxation Adult Entertainment

Representative Brien-An Act relating to Health & Safety Informed Consent for Abortion

Representative Coderre-An Act relating to Alcoholic Beverages-Retail Licenses

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2382 as amended (Lieutenant Governor)

BY Gallo, Fogarty P, Levesque C

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY -- MONITORING THE OCCURRENCES OF HOSPITAL ACQUIRED INFECTIONS IN HEALTH CARE

FACILITIES (add hospital-acquired infections to the list of those matters requiring reporting by hospitals) {LC1649/1}

04/08/2008 Referred to House H.E.W.

Senate Bill No. 2918

BY Cote

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KATHMANDU, LTD. {LC2645/1}

04/08/2008 Referred to House Constituent Services

Senate Bill No. 2800

BY Ruggerio, McBurney, Ciccone, Perry, Felag

ENTITLED, AN ACT RELATING TO INSURANCE (provide that every individual or group health insurance contract/plan/policy delivered, issued for delivery, or renewed in this state/not provide for a co-payment and/or deductible for licensed ambulance service in excess of fifty dollars (\$50.00) {LC2436/1}

04/08/2008 Referred to House Corporations

Senate Resolution No. 2038 SUB A

BY Walaska, Blais, Breene

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO OPPOSE OPTIONAL FEDERAL CHARTER LEGISLATION {LC398/1/A}

04/08/2008 Referred to House Corporations

Senate Bill No. 2044 SUB A

BY Raptakis, McCaffrey, Doyle, Jabour, Goodwin

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (provide that holders of Class A licenses would maintain, and produce on demand, records of receipts and invoices for the purchase of alcoholic beverages) {LC327/1/A}

04/08/2008 Referred to House Corporations

Senate Bill No. 2457

BY Breene

ENTITLED, AN ACT PROVIDING FOR CAPITAL IMPROVEMENTS TO THE EXETER-WEST GREENWICH REGIONAL SCHOOL DISTRICT JUNIOR/SENIOR HIGH SCHOOL, ELEMENTARY SCHOOLS AND ATHLETIC FIELDS AND FACILITIES AND AUTHORIZING FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$5,877,308 IN BONDS THEREFOR {LC1365/1}

04/08/2008 Placed on House Calendar

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, APRIL 8, 2008:**1 2008-H 7906 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.

Representative Lally moves passage of the act, seconded by Representative Williams and many other members of the House.

Representatives Moffitt and Lally discuss the act.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, 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, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Ucci requests the journal to reflect that if he had voted on (08-H 7906 SUB A), he would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, (08-H 7906 SUB A), on the Clerk's desk and all other bills are ordered to be transmitted to the Honorable Secretary of State and the Honorable Senate, forthwith.

ANNOUNCEMENTS

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

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

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

Representative Rice announces that the Committee on Environment and Natural Resources will meet at the rise of the House, in Room 201 of the State House.

Representative Moffitt announces the birth of his 8th grandchild, a baby girl, Braelyn Myra Quackenbush.

Majority Leader Fox announces there will be no session on Thursday, April 10, 2008.

Representative Costantino announces that the Committee on Finance will meet at 2:00 P.M. on Thursday, April 10, 2008 in Room 35 of the State House.

GUESTS

Representative Church welcomes to the House Chamber as guests the North Smithfield High School "NORTHMEN" Girls Division 2007-2008 Varsity Hockey Championship team as follows: Kristie Yehle, Kayla Kiernan, Kaitlynn Bobb, Vanessa D'Andrea, Megan Moore, Amanda Dube, Julia Hartley, Jocelyn Mandeville, Kristen Collard, Emly McSweeney, Kaela Fiori, Kayla Kearns, Adrienne Pariset, Perri Bennett, Danielle Fiori, Jessica Salisbury, Brittney Clarke, Christine Biron, Alexandra Euglow along with their coaching staff Bill Nangle-Head Coach, Steve Biron-Assistant Coach; John Charest-Assistant Coach, Gil Lefort-Assistant Coach and Samantha Archambault-Team Manager.

ADJOURNMENT

At 4:55 o'clock P.M. on motion of Representative Serpa, and as a further mark of respect to the memory of Joseph A. Fogarty; on motion of Representatives Caprio and Lally and as a further mark of respect to the memory of Anna Fiore; on motion of Representative Corvese and as a further mark of respect to the memory of Angelo Capone; on motion of Representative Amaral, and as a further mark of respect to the memory of Clarence "Ted" White; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DOUGLAS W. GABLINSKE

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 WEDNESDAY, APRIL 9, 2008:

1 2008-H 7040 SUB A**BY San Bento****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

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

2 2008-H 7316**BY Vaudreuil****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Committee on Corporations recommends passage.

3 2008-H 8016 SUB A**BY Fox****ENTITLED,** AN ACT RELATING TO TAXATION -- HISTORIC STRUCTURES -- TAX CREDITS

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

4 2008-S 2457**BY Breene****ENTITLED,** AN ACT PROVIDING FOR CAPITAL IMPROVEMENTS TO THE EXETER-WEST GREENWICH REGIONAL SCHOOL DISTRICT JUNIOR/SENIOR HIGH SCHOOL, ELEMENTARY SCHOOLS AND ATHLETIC FIELDS AND FACILITIES AND AUTHORIZING FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$5,877,308 IN BONDS THEREFOR

Ordered on the Calendar

IN ORDER FOR TUESDAY, APRIL 22, 2008:

1 2008-H 7778**BY Moffitt****ENTITLED,** AN ACT RELATING TO THE COVENTRY FIRE DISTRICT

Committee on Municipal Government recommends passage.

2 2008-S 2821

BY Montalbano J

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

3 2008-S 2739

BY Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

4 2008-S 2717

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Tuesday, April 8, 2008