

# 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 sixth day of January in the year of Our Lord two thousand and four.**

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Volume 131, No. 27

Wednesday, March 17, 2004

Twenty-seventh Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 17, 2004 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 4 members absent as follows:

**PRESENT** – 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT** – 4: Representatives Anderson, Coogan, Ginaitt, Palumbo.

### **INVOCATION**

The Honorable Speaker presents Father Robert L. Marciano, Pastor of Saint Rose & Clement Parish who delivers the Invocation and Representative Robert A. Watson to lead the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

### **CORRECTION**

By unanimous consent, the House Journal of Thursday, March 11, 2004, is hereby corrected on page 8, line 5 by deleting “by unanimous consent” and on line 14 by deleting “and by unanimous consent”.

**APPROVAL OF RECORD**

By unanimous consent, the House Journal of Thursday, March 11, 2004, is approved as corrected.

**COMMUNICATION**

**March 17, 2004**

Representative Matthew J. McHugh will not be able to attend Thursday, March 18, 2004 session due to a family matter.

Sincerely,

Representative Matthew J. McHugh

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 2143**

**BY** Sosnowski

**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- SOUTH KINGSTOWN {LC1024/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2175**

**BY** Tassoni, Cote, Fogarty P

**ENTITLED**, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES (North Smithfield) {LC1257/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2200**

**BY** McBurney

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT {LC1194/1}

03/17/2004 Referred to House Labor

**Senate Bill No. 2210**

**BY** Breene, Blais

**ENTITLED**, AN ACT RELATING TO THE EXETER-WEST GREENWICH SCHOOL DISTRICT {LC1138/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2340****BY** McBurney**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES  
{LC2013/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2517****BY** Breene**ENTITLED**, AN ACT RELATING TO TAXATION {LC1851/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2523****BY** Parella, Gibbs**ENTITLED**, AN ACT IN AMENDMENT TO AN ACT RELATING TO THE PORTSMOUTH  
WATER AND FIRE DISTRICT {LC2446/1}

03/17/2004 Referred to House Corporations

**Senate Bill No. 2576****BY** Connors, Pichardo, Perry, Goodwin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE {LC1149/1}

03/17/2004 Referred to House Judiciary

**Senate Bill No. 2827****BY** Algieri**ENTITLED**, AN ACT IN AMENDMENT OF SECTION 2 OF AN ACT**ENTITLED** "AN ACT TO INCORPORATE THE WATCH HILL FIRE DISTRICT", APPROVED  
MAY 2, 1941 {LC1008/1}

03/17/2004 Referred to House Corporations

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

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

**House Bill No. 7695****BY** Lewiss, Anguilla, Kennedy, Winfield, Slater**ENTITLED**, AN ACT RELATING TO INSURANCE - UNAUTHORIZED BUSINESSES  
{LC1655/1}

03/16/2004 Read and transferred to the House Committee on Corporations

**House Bill No. 8159****BY** Watson**ENTITLED**, AN ACT RELATING TO INSURANCE -- RHODE ISLAND LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT {LC2477/1}

03/16/2004 Read and transferred to the House Committee on Corporations

**NEW BUSINESS****House Bill No. 8296****BY** Anguilla, Fox, Crowley, Ajello, Dennigan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC2811/1}

03/16/2004 Introduced, referred to House Judiciary

**House Bill No. 8297****BY** Moura**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES {LC2910/1}

03/16/2004 Introduced, referred to House Judiciary

**House Bill No. 8298****BY** San Bento, Slater, Coderre E**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES {LC2939/1}

03/16/2004 Introduced, referred to House Corporations

**House Bill No. 8299****BY** Kilmartin, Moura, Crowley, Shanley, Anderson R**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES {LC2949/1}

03/16/2004 Introduced, referred to House Finance

**House Resolution No. 8300****BY** Slater, Naughton, Tejada, Almeida, Williams**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE, DEVELOP AND ARTICULATE A PUBLIC SCIENCE SCHOOL FOR GRADES 6-12 ALIGNED WITH HIGHER EDUCATION {LC2909/1}

03/16/2004 Introduced, referred to House H.E.W.

**House Resolution No. 8301****BY** Fox**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2991/1}

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 and by unanimous consent, on a rising vote.

**House Resolution No. 8302**

**BY** Fox

**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2990/1}

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 and by unanimous consent, on a voice vote.

**House Bill No. 8303**

**BY** Corvese, Schadone, San Bento

**ENTITLED**, AN ACT AMENDING AN ACT TO INCORPORATE THE TOWN OF NORTH PROVIDENCE {LC2980/1}

Representative Corvese requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Corvese seconded by Representative Schadone and many other members of the House on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

**House Resolution No. 8304****BY** Malik, Anguilla**ENTITLED**, HOUSE RESOLUTION CONGRATULATING MELISSA SILVA ON RECEIVING THE GIRL SCOUT GOLD AWARD {LC2987}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representatives Gallison, Reilly, Menard and by unanimous consent, on a voice vote.

**House Resolution No. 8305****BY** Jacquard, Watson, Fox, Story, Kennedy**ENTITLED**, HOUSE RESOLUTION CONGRATULATING SUSAN L. FARMER ON HER RETIREMENT AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF RHODE ISLAND PBS {LC2989/1}

Representative Jacquard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Jacquard seconded by Representatives Ajello, Kennedy, Coderre Caprio and many other members of the House and by unanimous consent, on a voice vote.

**House Resolution No. 8306****BY** Murphy, Lewiss, Fox, Kennedy, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE JOHN J. THOMPSON {LC2994/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by the entire Delegation and by unanimous consent, on a rising vote.

Representatives Lewiss, Kennedy, Almeida, McHugh and Watson pay tribute to the late Representative Thompson.

## 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.

## CALENDAR

From the Calendar are taken:

**IN ORDER FOR WEDNESDAY, MARCH 17, 2004:****1 2004-S 2470****BY Caprio F****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC.**

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Benson, Shanley, and Caprio.

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 Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Story, Tejada, Voccola, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

**2 2004-S 2847****BY Ruggerio****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ALMAN PRODUCTS, INC.**

Committee on Corporations recommends passage in concurrence.

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

Read and passed, in concurrence, on a roll call vote, 52 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Carter, Coderre, Corvese, Crowley, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, McHugh, McManus, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Slater, Story, Tejada, Trillo, Voccola, Watson, Williamson.

NAYS - 0.

#### **TRANSMITTAL**

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

#### **ANNOUNCEMENTS**

Representative Giannini announces that the Committee on Health, Education and Welfare will meet today, twenty minutes after the rise of the House, in Room 135 of the State House.

Representative Corvese announces that the Committee on Labor will meet today, twenty minutes after the rise of the House, in Room 201 of the State House.

Representative Schadone congratulates Richard and Jan Aubin on the adoption of a son, David.

Representative Lima wishes Representative Giannini a Happy Birthday.

Representative Aubin extends a thank you to Judge Cappelli and Representatives Fox and Schadone.

#### **GUESTS**

Representative Kilmartin welcomes to the House Chambers as guest Tom Farrell, from Athlone, Ireland.

Representative Lima welcomes to the House as guests her mother, Angela Lima and her aunt, Mrs. Albert P. Marcello.



Majority Leader Fox welcomes Judge Rogers, Presiding Justice, along with Judge Lipsey, Judge Fonte, Judge Capineri, Judge Newman, Family Court, and Judge Cappelli, District Court.

### **ADJOURNMENT**

At 4:50 o'clock P.M. on motion of Representatives Lewiss, and the entire House of Representatives and as a further mark of respect to the memory of former Representative John Thompson; on motion of Representatives Carter, Benson, Scott, and as a further mark of respect to the memory of Gerard Albert; on motion of Representative McNamara and as a further mark of respect to the memory of Edwin Cronin; on motion of Representative McHugh, and as a further mark of respect to the memory of Margaret Terry, and Joan Tarble; on motion of Representative Mumford, and as a further mark of respect to the memory of Louis Colangelo seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**

**Recording Clerk**

**APPENDIX****INVOCATION****FATHER ROBERT L. MARCIANO**

Heavenly Father, as we celebrate the memory of good Saint Joseph, we are reminded of his life of loyalty to You and to his family. He stands as a living example of the enduring virtues of goodness, integrity, and faith. In this day in which we live, when words are often many and deeds can be few, we look to Saint Joseph as a man of sincere integrity and strength, who said little yet did so much. As we pause to honor him today, help us to be like him. Through his example and powerful intercession bless and guide our State and those who lead us, so that we may always be proud to be One Nation, under You, our God forever and ever. Amen

APPENDIX

TRANSMITTED TO THE GOVERNOR

**Senate Bill No. 2470**

**BY** Caprio F

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC. {LC2433/1}

03/17/2004 Transmitted to Governor

**Senate Bill No. 2847**

**BY** Ruggiero

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ALMAN PRODUCTS, INC. {LC2553/1}

03/17/2004 Transmitted to Governor