

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 4

Wednesday, January 10, 2007

Fourth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 10, 2007 and is called to order at 4:32 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylk, Watson, Williams, Williamson, Winfield.

ABSENT - 2: Representatives Carter, Palumbo.

INVOCATION

The Honorable Speaker presents Representative Gallison 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, January 9, 2007 is approved as printed.

ANNOUNCEMENT

Representative Peter Palumbo will be unable to attend session Wednesday, January 10th through Thursday, January 18, 2007. He will be out of the country.

NEW BUSINESS**House Bill No. 5033**

BY Lima, Coderre E, Dennigan, Naughton, Fellela

ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES (define the term regular price for purposes of the law regulating discount price advertisements) {LC38/1}

01/10/2007 Introduced, referred to House Corporations

House Bill No. 5034

BY San Bento, Silva

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES (amend the definition of "Family Day Care Home" and provide a definition for "Family Group Day Care Home" as they pertain to municipal zoning ordinances) {LC195/1}

01/10/2007 Introduced, referred to House Corporations

House Bill No. 5035

BY Long

ENTITLED, AN ACT TO VACATE FOR THE FORFEITURE OR REVOCATION OF THE CHARTER OF NEWPORT MASONIC FOUNDATION {LC369/1}

01/10/2007 Introduced, referred to House Corporations

House Bill No. 5036

BY Long

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KTB, INC. {LC97/1}

01/10/2007 Introduced, referred to House Corporations

House Bill No. 5037

BY Walsh, Ginaitt, Handy, Long, Dennigan

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND CESSPOOL ACT OF 2007 {LC321/1}

01/10/2007 Introduced, referred to House Environment and Natural Resources

House Bill No. 5038

BY Mumford, Singleton, Trillo, Savage, Gorham

ENTITLED, AN ACT RELATING TO TAXATION -- INHERITANCE TAX {LC240/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5039**BY** McNamara, Gemma, Naughton, Malik**ENTITLED**, AN ACT RELATING TO TAXATION -- THE TAXPAYER RELIEF ACT -- SALES TAX HOLIDAY {LC177/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5040**BY** Mumford, Singleton, Trillo, Savage, Gorham**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- COMPUTATION {LC237/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5041**BY** Menard, Picard, Ucci, Winfield, Malik**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM {LC288/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5042**BY** San Bento, Melo**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LICENSING AND MONITORING OF CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES {LC193/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5043**BY** San Bento, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES {LC192/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5044**BY** San Bento, Melo, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES {LC196/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5045**BY** San Bento, Melo, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS {LC190/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5046**BY** San Bento, Melo, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES {LC194/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5047**BY** Giannini, Williams, McCauley, Diaz, DeSimone**ENTITLED**, AN ACT RELATING TO TAXATION - PROVIDENCE FREEZE OF CERTAIN TAX {LC51/1}

01/10/2007 Introduced, referred to House Finance

House Bill No. 5048**BY** Lima, Wasylyk, Picard, Ucci, Williamson**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- MILK CONTENT {LC40/1}

01/10/2007 Introduced, referred to House H.E.W.

House Bill No. 5049**BY** San Bento, Melo, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS {LC191/1}

01/10/2007 Introduced, referred to House H.E.W.

House Bill No. 5050**BY** McNamara, Naughton, Singleton, Ginaitt, Gablinske**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS {LC356/1}

01/10/2007 Introduced, referred to House H.E.W.

House Bill No. 5051 (by request)**BY** Loughlin**ENTITLED**, AN ACT RELATING TO OPEN MEETINGS - SCHOOL COMMITTEES LITTLE COMPTON {LC248/1}

01/10/2007 Introduced, referred to House Judiciary

House Bill No. 5052**BY** San Bento, Silva, Kilmartin**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PRIMARIES {LC189/1}

01/10/2007 Introduced, referred to House Judiciary

House Bill No. 5053**BY** Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE {LC371/1}

01/10/2007 Introduced, referred to House Judiciary

House Bill No. 5054**BY** Corvese**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION COURT {LC292/1}

01/10/2007 Introduced, referred to House Labor

House Resolution No. 5055**BY** Diaz, Almeida, Slater, Naughton, Williams**ENTITLED**, HOUSE RESOLUTION HONORING ROSA PARKS AND PROCLAIMING DECEMBER 1, 2006 TO ANNUALLY BE "ROSA PARKS HUMAN RIGHTS DAY" AND URGING RIPTA TO MAKE PUBLIC TRANSPORTATION FREE EVERY DECEMBER 1ST IN HER HONOR {LC60/1}

Representative Diaz requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Diaz seconded by Representatives Almeida, Fox, Ucci, Picard, Gemma, Slater and many other members of the House by unanimous consent, on a voice vote.

House Bill No. 5056**BY** Mattiello, Schadone**ENTITLED**, AN ACT TO VACATE FOR THE FORFEITURE OR REVOCATION OF THE CHARTER OF COURTS SPORTING GOODS, INCORPORATED {LC378/1}

Representative Mattiello requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Mattiello seconded by Representative Kilmartin on a roll call vote 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

House Resolution No. 5057**BY** McNamara, Malik, Naughton, Watson**ENTITLED**, HOUSE RESOLUTION HONORING BETTY J. CAPALDO ON THE OCCASION OF HER RETIREMENT {LC473/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McNamara seconded by Representative Malik and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 5058

BY Ginaitt, Walsh

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE ISSUE OF LATERAL ACCESS ALONG THE RHODE ISLAND SHORELINE AS PROTECTED WITHIN THE RHODE ISLAND CONSTITUTION {LC294/1}

Representative Ginaitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ginaitt seconded by Representatives Walsh, Gemma and Gallison by unanimous consent, on a voice vote.

House Resolution No. 5059

BY Jackson

ENTITLED, HOUSE RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY PROHIBITING THE USE OF THIMEROSAL IN IMMUNIZATIONS {LC382/1}

Representative Jackson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Jackson seconded by Representatives Vaudreuil, Gablinske, Sullivan, Corvese, Naughton, O'Neill and McNamara by unanimous consent, on a voice vote.

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 Church and the Honorable Speaker congratulate Representative Ed Pacheco and his future wife Claudia on their upcoming marriage, tomorrow.

Representative Coderre wishes Representative Helio Melo a Happy Birthday.

Representative Kilmartin wishes Representative Arthur Corvese and Representative J. Patrick O'Neill a Happy Birthday.

Representative Lima wishes Representative Peter Wasylyk a Happy Birthday.

The Honorable Speaker Murphy reminds the members of Majority Leader Fox's announcement yesterday that there will be no session tomorrow.

GUESTS

At 4:35 o'clock P.M. the Honorable Speaker yields the rostrum to Representatives Amaral, Gallison, Rice and Loughlin.

By unanimous consent, Representative Amaral addresses the members of the House and welcomes to the House the 2006 Portsmouth High School Championship Baseball Team.

Representative Rice congratulates the team.

Representative Amaral congratulates and announces the team members while Representatives Gallison, Rice and Loughlin present them with citations as follows: Nicholas Comfort, David Nelligan, Ryan Westmoreland, Brendan Solecki, John Pedrotty, James Ayars, Matthew Rogers, Daniel Yates-Berg, Nicholas Grande, Brian Shelburne, James Houk, John Sleeper, Connor MacLeod, Philip Dugan, Dylan Stone, Andrew Kirwin, Daniel Corrigan, Christopher Larsen, Matthew Billington, along with their Head Coach-David Ulmschneider, and Assistant Coaches-Ronald Westmoreland, Arthur St. Pierre, Robert Campion and Larry Dame.

At 4:40 o'clock P.M. the Honorable Speaker returns to the rostrum.

COMMUNICATION

The Honorable Speaker announces the following appointments:

January 10, 2007

I hereby appoint Representative Henry Rose to serve as Deputy Speaker.

William J. Murphy
SPEAKER

Received and placed on file.

January 10, 2007

RULES

Chairman-Eileen Naughton
Vice Chairman-Raymond Sullivan
Secretary-Grace Diaz

Representatives:

Peter Kilmartin
Timothy Williamson
John McCauley, Jr.
Nicholas Mattiello
Thomas Winfield
Edwin Pacheco
Raymond Gallison
Henry Rose
Carol Mumford ®
John Savage ®

Received and placed on file.

January 10, 2007

SEPARATION OF POWERS

Chairman-John DeSimone
Vice Chairman-Timothy Williamson
Secretary-J. Russell Jackson

Representatives:

Paul Crowley
Raymond Gallison
Al Gemma
Nicholas Gorham ®
Peter Kilmartin
Charlene Lima
John Savage ®
J. Patrick O'Neill
John McCauley
Lisa Baldelli-Hunt
Deborah Fellela

Received and placed on file.

January 10, 2007

Municipal Government

Chairman-Raymond Gallison
Vice-Chairman-John McCauley
Secretary-Edwin Pacheco

Representatives:

Anastasia Williams
Rene Menard
Raymond Church
Thomas Slater
John Patrick Shanley
Charlene Lima
Raymond Sullivan
Laurence Ehrhardt®
Susan Story ®

Received and placed on file.

January 10, 2007

JUDICIARY

Chairman-Donald Lally
Co-Vice Chairman-Timothy Williamson
Co-Vice Chairman-Gregory Schadone
Secretary-Edith Ajello

Representatives:

Nicholas Mattiello
Jon Brien
J. Russell Jackson
J. Patrick O'Neill
Peter Palumbo
Joseph Scott
Donna Walsh
Amy Rice
David Caprio
William McManus ®
Bruce Long®

Received and placed on file.

January 10, 2007

CORPORATIONS

Chairman-Brian Kennedy
Vice Chairman-Roger Picard
Secretary-Peter Petrarca

Representatives:

Edwin Pacheco
Al Gemma
Helio Melo
Douglas Gablinske
Elaine Coderre
David Segal
Joanne Giannini
Charlene Lima
Joseph Trillo®
Joseph Amaral®
Richard Singleton®
Laurence Ehrhardt®

Received and places on file

January 10, 2007

HEALTH EDUCATION & WELFARE

Chairman-Joseph McNamara
Vice-Chairman-Peter Ginaitt
Secretary-Arthur Handy

Representatives:

Agostinho Silva
Patricia Serpa
Deborah Fellela
Raymond Sullivan
Grace Diaz
Robert Flaherty
Lisa Baldelli-Hunt
Peter Wasylyk
Thomas Winfield
Susan Story ®
John Loughlin ®

Received and placed on file.

January 10, 2007

CONSTITUENT SERVICES

Chairwoman-Joanne Giannini
Vice-Chairman-Arthur Handy
Secretary-Robert Jacquard

Representatives:

Rene Menard
Donna Walsh
Joseph Almeida
Stephen Ucci
Grace Diaz
Patricia Serpa
Richard Singleton ®
William McManus ®

Received and placed on file.

January 10, 2007

HOUSE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Chairman-Peter Ginaitt
Vice Chairman-Raymond Gallison
Secretary-Jan Malik

Representatives:

Joanne M. Giannini
Arthur Handy
Joseph McNamara
Eileen Naughton
Amy Rice
Raymond Sullivan, Jr.
Donna Walsh
Ken Vaudreuil
Laurence Ehrhardt ®
Susan Story ®

Received and placed on file.

January 10, 2007

LABOR

Chairman-Arthur Corvese
Vice-Chairman-Helio Melo
Secretary-Anastasia Williams

Representatives:

Steven Smith
Kenneth Vaudreuil
Henry Rose
Peter Kilmartin
Stephen Ucci
Elaine Coderre
Eileen Naughton
Roger Picard
Robert Watson ®
Nicholas Gorham ®

Received and placed on file.

January 10, 2007

FINANCE

Chairman-Steven Costantino
Deputy Chairman-Paul Crowley
Vice-Chairman-Jan Malik
Secretary-William San Bento

Representatives:

Robert Jacquard
Elizabeth Dennigan
Eileen Naughton
Raymond Church
Joseph Almeida
Thomas Slater
Henry Rose
John Patrick Shanley
Peter Lewiss
Carol Mumford ®
John Savage ®
Victor Moffitt ®

Received and placed on file.

ADJOURNMENT

At 4:58 o'clock P.M. on motion of Representative San Bento, and as a further mark of respect to the memory of Albert Buonanni; on motion of Representative Shanley, and as a further mark of respect to the memory of Donald Botts; on motion of Representative Brien and as a further mark of respect to the memory of Oscar J. Rondeau; on motion of Representative Sullivan, and as a further mark of respect to the memory of Dora Harbour; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE RAYMOND E. GALLISON, JR.

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 TUESDAY, JANUARY 16, 2007:

1 2007-H 5009

BY Moffitt

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF SELLING ALL OR ANY PORTION OF THE BIG RIVER MANAGEMENT AREA BACK TO THE PRIOR OWNERS OR THEIR HEIRS

Ordered on the Calendar

2 2007-H 5010

BY Moffitt

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY LAWS AND REGULATIONS RELATING TO HUNTING AND FISHING IN RHODE ISLAND AND THE LICENSING TO PARTICIPATE THEREIN

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Wednesday, January 10, 2007