

## 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 fifth day of January in the year of Our Lord one thousand nine hundred and ninety-nine.

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Volume 126, No. 1

Tuesday, January 5, 1999

First Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 5, 1999, and is called to order at 3:22 o'clock P.M., by the Honorable John B. Harwood, Speaker.

### NEW BUSINESS

Representative Martineau introduces (99-H 5003) Joint Resolution of adjournment.

Representative Martineau requests unanimous consent for immediate consideration.

There is no objection.

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

### TRANSMITTAL

By unanimous consent, (99-H 5003) on the Clerk's desk is ordered to be transmitted to His Excellency, the Governor, and to the Honorable Senate forthwith.

### NOW PRESIDING

At 3:23 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Crowley, senior member of the House present, from Newport.

At 3:24 o'clock P.M. Representative Crowley yields the rostrum to Brother Robert Croteau.

### INVOCATION

The House attends as Brother Robert Croteau, President of the Mount Saint Charles Academy, delivers the invocation.

(For Invocation, see Appendix, this Journal.)

## PLEDGE OF ALLEGIANCE

Representative Crowley presents Representative Giannini, who leads the membership in the Pledge of Allegiance to the Flag.

## COMMUNICATION

The Honorable Speaker announces the receipt of the following communications:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
OFFICE OF THE SECRETARY OF STATE  
ROOM 218, STATE HOUSE  
PROVIDENCE  
02903-1105

James R. Langevin  
Secretary of State  
January 5, 1999

To the Honorable, the House of Representatives:

I have the honor to inform you that I administered this day the oath of engagement as Governor for the State of Rhode Island to His Excellency, Lincoln C. Almond, of the town of Lincoln.

Respectfully,

JAMES R. LANGEVIN  
Secretary of State

Received and ordered to be placed on file.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
OFFICE OF THE SECRETARY OF STATE  
ROOM 218. STATE HOUSE  
PROVIDENCE  
02903-1106

James R. Langevin  
Secretary of State  
January 5, 1999

To the Honorable, the House of Representatives:

I have the honor to inform you that I administered this day the oath of engagement as Lieutenant Governor for the State of Rhode Island to His Honor, Charles J. Fogarty of the Town of Glocester.

Respectfully,

JAMES R. LANGEVIN  
Secretary of State

Received and ordered to be placed on file.

## COMMUNICATION FROM THE GOVERNOR

The Honorable Speaker announces the receipt of the following communications from His Excellency, the Governor:

### STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EXECUTIVE CHAMBER, PROVIDENCE

Lincoln C. Almond  
Governor  
January 5, 1999

John B. Harwood  
Speaker of the House  
State House  
Providence, RI 02903

To the Honorable, the House of Representatives:

I have the honor to inform you that I administered this day the oath of engagement as Secretary of State for the State of Rhode Island to the Honorable James R. Langevin of Warwick.

Sincerely,

LINCOLN C. ALMOND  
Governor

Received and ordered to be placed on file.

### STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EXECUTIVE CHAMBER, PROVIDENCE

Lincoln C. Almond  
Governor  
January 5, 1999

John B. Harwood  
Speaker of the House  
StateHouse  
Providence, RI 02903

To the Honorable, the House of Representatives:

I have the honor to inform you that I administered this day the oath of engagement as General Treasurer for the State of Rhode Island to the Honorable Paul J. Tavares of East Providence.

Sincerely,

LINCOLN C. ALMOND  
Governor

Received and ordered to be placed on file.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln C. Almond  
Governor

January 5, 1999

John B. Harwood  
Speaker of the House  
State House  
Providence, RI 02903

To the Honorable, the House of Representatives:

I have the honor to inform you that I administered this day the oath of engagement as Attorney General for the State of Rhode Island to the Honorable Sheldon Whitehouse of Providence.

Sincerely,

LINCOLN C. ALMOND  
Governor

Received and ordered to be placed on file.

**ROLL OF MEMBERS**

The roll of members as appears by the list of Representatives as certified by the Honorable Secretary of State, and delivered to the Reading Clerk of the House, is called as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS OFFICE OF THE SECRETARY OF STATE  
ROOM 218, STATE HOUSE  
PROVIDENCE  
02903-1106

James R. Langevin  
Secretary of State  
January 5, 1999

I, JAMES R. LANGEVIN, Secretary of State, HEREBY CERTIFY the following is the list of members elected to the House of Representatives in the General Assembly, in accordance with the certificate of election filed in this office by the Board of Elections on the eighteenth day of November, A.D., 1998, as provided by Section 22-3-13 of the General Laws of 1956:

<b>Representatives</b>	<b>District</b>
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Aisha W. Abdullah-Odiase	<b>19</b>
Denise C. Aiken	<b>35</b>
Edith H.Ajello	<b>3</b>
Joseph S. Almeida	<b>20</b>
Joseph N. Amaral	<b>92</b>
Mabel M. Anderson	<b>77</b>
Stephen J. Anderson	<b>42</b>
John Douglas Barr, II	<b>59</b>
Nancy L. Benoit	<b>64</b>
Melvoid J. Benson	<b>45</b>
Russell Bramley	<b>36</b>
Barbara C. Burlingame	<b>62</b>
Christine H. Callahan	<b>99</b>
Bambilyn Breece Cambio	<b>11</b>
Marsha E. Carpenter	<b>18</b>
Mary Ann F. Carroll	<b>15</b>
Kenneth Carter	<b>46</b>
David N. Cicilline	<b>4</b>
Elaine A. Coderre	<b>78</b>
Raymond C. Coelho	<b>85</b>
Arthur J. Corvese	<b>71</b>
Steven M. Costantino	<b>14</b>
Paul W.Crowley	<b>100</b>
Elizabeth M. Dennigan	<b>82</b>
John J. DeSimone	<b>6</b>
Joseph L. Faria	<b>72</b>
Michael J. Farrell	<b>73</b>
Lawrence J. Ferguson	<b>91</b>
Robert E. Flaherty	<b>34</b>
Richard E. Fleury	<b>40</b>
Gordon Fox	<b>5</b>
Aram G. Garabedian	<b>23</b>
Eugene F.Garvey	<b>81</b>
Myrna C. George	<b>31</b>
Joanne M. Giannini	<b>7</b>
Peter T. Ginaitt	<b>33</b>
Nicholas Gorham	<b>53</b>
John B. Harwood	<b>76</b>
Mark Barrett Heffner	<b>88</b>
Suzanne M. Henseler	<b>44</b>

Nancy C. Hetherington	28
Gary M. Hogan	57
Edward S. Inman, III	41
David S. Iwuc	68
Robert B. Jacquard	26
Leona A. Kelley	49
James M. Kelso	47
Brian Patrick Kennedy	16
Peter F. Kilmartin	80
H. Norman Knickle	37
Donald J. Lally, Jr.	48
Beatrice A. Lanzi	22
Rose Larisa	87
Charles J. Levesque	93
George R. Levesque	98
Peter L. Lewiss	51
Charlene Lima	13
Bruce J. Long	95
Maria J.Lopes	83
Robert B. Lowe	61
John H.Maher	96
Jan P.Malik	89
Gerard M. Martineau	63
John J. McCauley, Jr.	1
Joseph M. McNamara	29
Rene R. Menard	58
Charles E. Millard, Jr.	90
Frank A. Montanaro	24
Paul E. Moura	2
Carol A. Mumford	54
Ronald C. Munschy	65
William J. Murphy	39
Eileen S. Naughton	32
Thomas A. Palangio	8
Peter G. Palumbo	25
Roger A. Picard	66
Antonio J. Pires	79
Michael S. Pisaturo	21
Joan B. Quick	94
Scott P. Rabideau	60

Donald O. Reilly, Jr.	67
Henry C. Rose	84
Alfred Russo, Jr.	55
William San Bento, Jr.	75
Gregory J. Schadone	70
Joseph H. Scott	52
Maxine L. Shavers	97
Paul V. Sherlock	30
John S. Simonian	27
Thomas C. Slater	17
Steven F. Smith	12
Robert D. Sullivan	86
John J. Thompson	50
William D. Vieira, Sr.	74
Joseph J. Voccola	56
Peter N. Wasylyk	10
Robert A. Watson	43
Anastasia P. Williams	9
Timothy A. Williamson	38
Thomas J. Winfield	69

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Rhode Island this fifth day of January, A.D., 1999.

JAMES R. LANGEVIN  
Secretary of State

Received and ordered to be placed on file.

## ROLL CALL

The roll is called and the Clerk informs the Chair that a quorum is present:

**PRESENT - 99:** The Honorable Speaker Harwood and Representatives Abdullah.Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anderson, S., Barr, Benoit, Benson, Bramley, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Cicilline, Coderre, Coelho, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garabedian, Garvey, George, Giannini, Ginaitt, Gorham, Heffner, Henseler, Hogan, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Larisa, Levesque, C., Levesque, G., Lewiss, Lima, Long, Lopes, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Millard, Montanaro, Moura, Mumford, Munschy, Murphy, Naughton, Palangio, Palumbo, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, San Bento, Schadone, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Sullivan, Thompson, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 1:** Representative Hetherington.

Representative Crowley addresses the members of the House.

(See Appendix, tomorrow's Journal)

## **APPOINTMENTS**

Representative Crowley appoints Representatives Palangio, Henseler, Ferguson, Watson and Callahan, to escort the Honorable Secretary of State to the rostrum of the House.

## **OATH OF OFFICE**

The Representatives-elect rise, as Secretary of State, James R. Langevin, administers the Oath of Office.

The Secretary of State, James R. Langevin, addresses the House Chamber.

## **ELECTION OF SPEAKER**

Representative Crowley calls for nominations.

Representative Pires, nominates Representative John B. Harwood to be Speaker for a fourth term. The nomination is seconded by Representative Moura and several other members of the House.

Representative Carter, seconded by Representative Menard, moves that nominations be closed.

The motion to close nominations prevails, on a voice vote.

Representative Moura moves that Representative Pires cast one ballot for Representative John B. Harwood as Speaker of the House.

The motion is seconded by Representative Fox.

The election of Representative John B. Harwood as Speaker of the House prevails, on a voice vote.

The Chair declares John B. Harwood is reelected Speaker of the House for the years 1999-2000.

## **APPOINTMENTS**

Representative Crowley appoints Representatives Martineau, Henseler, Menard, Watson and Callahan, to escort the re-elected Speaker to the rostrum.

Representative Crowley appoints the same Committee to escort Mrs. Patricia Harwood and family, and the Honorable Justice Weisberger to the rostrum.

## **OATH OF OFFICE**

The House attends while the Honorable Justice administers the Oath of Office to the Honorable Speaker.

## **NOW PRESIDING**

At 4:00 o'clock P.M. Representative Crowley turns over the rostrum to the Honorable Speaker, John B. Harwood.

The Honorable Speaker, John B. Harwood, addresses the members of the House.

(See Appendix, this Journal)

The Honorable Speaker thanks Representatives Crowley and Pires, and welcomes Congressman Patrick Kennedy to the Chambers.

## **ANNOUNCEMENTS**

Representative -elect Nancy Hetherington will be unable to attend session today, due to a family emergency.

Also:

The Honorable Speaker appoints Representative Lawrence J. Ferguson to the position of Deputy Speaker Pro Tempore.

Also:

The Honorable Speaker appoints Representative Edward S. Inman, III, to the position of Deputy Speaker.

Also:

The Honorable Speaker appoints Representative Mabel M. Anderson to the position of Speaker Pro Tempore.

## **NEW BUSINESS 1999 PRE-FILED BILLS**

Representative Naughton introduces (99-H 5000) An Act relating to taxation - business corporation tax.

Read and referred to the Committee on Corporations.

Representative Rabideau introduces (99-H 5001) An Act relating to unclaimed property.

Read and referred to the Committee on Corporations.

Representative Rabideau introduces (99-H 5002) An Act relating to criminal offenses -- sexual assault.

Read and referred to the Committee on Judiciary.

## **NEW BUSINESS**

Representative Martineau introduces (99-H 5004) House Resolution continuing the 1997-1998 Rules of the House of Representatives pending the adoption of new Rules for the 1999-2000 Session.

Representative Martineau requests unanimous consent for immediate consideration.

There is no objection.

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

Representatives Faria, Martineau, Crowley and Flaherty introduce (99-H 5005) An Act relating to labor and labor relations - workers' compensation.

Representative Faria requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Faria, seconded by Representatives Burlingame, Martineau, Wasylyk and several other members of the House, and by unanimous consent, on a roll call vote, 89 members voting in the affirmative and 0 members voting in the negative, as follows:

**YEAS - 89:** The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anderson, M., Anderson, S., Barr, Benoit, Benson, Bramley, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Cicilline, Coderre, Coelho, Corvese, Costantino, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fox, Garabedian, Garvey, George, Giannini, Ginaitt, Henseler, Hogan, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Knickle, Lally, Lanzi, Levesque, C., Levesque, G., Lewiss, Lima, Long, Lopes, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moura, Mumford, Munschy, Murphy, Naughton, Palangio, Palumbo, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, San Bento, Schadone, Scott, Shavers, Sherlock, Simonian, Sullivan, Thompson, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

**NAYS -0.**

### **ELECTION OF READING CLERK**

The Honorable Speaker declares the election of a Reading Clerk is in order and calls for nominations.

Representative Palangio, seconded by Representatives George and Lima, nominates Louis D'Antuono of Providence to be Reading Clerk of the House for the Session 1999-2000.

There being no further nominations, Representative Palangio, seconded by Representatives George and Lima, moves that nominations be closed.

The motion to close nominations prevails, on a voice vote.

Representative George moves to cast one ballot for Louis D'Antuono of Providence to be Reading Clerk for the 1999-2000 Session, seconded by Representative Lopes.

### **ELECTION OF RECORDING CLERK**

The Honorable Speaker declares the election of a Recording Clerk is in order and calls for nominations.

Representative Cambio, seconded by Representative Corvese, nominates Linda McElroy of North Providence to be Recording Clerk of the House for the Session 1999-2000.

There being no further nominations, Representative Corvese, seconded by Representative Menard, moves that nominations be closed.

The motion to close nominations prevails, on a voice vote.

Representative Cambio moves to cast one ballot for Linda McElroy of Providence to be Recording Clerk for the 1999-2000 Session, seconded by Representative Schadone.

### **OATH OF OFFICE**

The Honorable Speaker administers the Oath of Office to the Reading Clerk, Louis D'Antuono, and the Recording Clerk, Linda McElroy, for the 1999-2000 Session.

### **GUESTS**

The Honorable Speaker and members of the House welcome to the House as guests, several members of their families and constituents.

### **ANNOUNCEMENT**

The Honorable Speaker announces a reception in the Speaker's Office to follow at the rise of the House for Representatives and their families.

### **ADJOURNMENT**

At 4:50 o'clock P.M. on motion of Representative Giannini, and as a further mark of respect to the memory of Joseph Virgilio; on motion of Representative Ginaitt, and as a further mark of respect to the memory of Veida Porter, mother of Dr. Patricia Nolan, seconded by Representatives Martineau and Watson, the House adjourns, on a unanimous rising vote.

LINDA McELROY  
Recording Clerk

### **Appendix**

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### **INVOCATION**

BROTHER ROBERT CROTEAU  
PRESIDENT  
MOUNT SAINT CHARLES ACADEMY

Prayer for the Opening Session  
of the State Legislature

We gather our thoughts and reflections on the reality that the Spirit of God lives in our midst: a spirit of wisdom and understanding and a spirit of justice with compassion.

Proverbs 11 says:

"For want of leadership a people perishes, safety lies in many advisors."

May we recognize these political leaders who believe that true leaders are servants, who support the interests of the people they serve, and who nurture the leadership potential in each other.

We remember all leaders present but especially those government officials who strive to lead us toward a more just, peaceful, and caring society.

May God strengthen the members of this new legislature, lead them and give them wisdom and understanding as they work for our good, for the people of Rhode Island and the good of all humankind.

Amen.

## **Appendix**

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### **OPENING DAY REMARKS**

#### **SPEAKER JOHN B. HARWOOD**

I must begin by expressing my deep gratitude for the honor you have done me in choosing me again to serve you as Speaker of the House. Service in this important Constitutional Office is both a privilege and major responsibility. I shall do all in my power to deserve the confidence you expressed when you voted for me.

As I have in the past, I shall do my best to insure that the House of Representatives - and the General Assembly, - do the people's business creatively and conscientiously. The Constitution places great responsibility for the governance of the state in our hands. We must not flinch from doing our duty. Unlike the Executive Branch, or even the Senate, we are the part of the government closest to the people.

The leadership team will be different this year from its composition in the recent past. I look forward, as I am sure we all do, to working with a new majority leader and a new minority leader. We shall miss their predecessors. Our best wishes follow George Caruolo, Frank Anzeveno, Vinny Meselella and Wayne Salisbury in their new endeavors. Their legacy of achievement and unselfish devotion to this house and its members will long be remembered. Let us all pledge our support and cooperation to Gerry Martineau and Bob Watson.

There are other new faces in our group. I give hearty welcome to those elected to the House for the first time in November. You confront a learning experience. Your veteran colleagues will help you with information and counsel. It will not be long before you feel at home, and share with the rest of us the frustrations and satisfactions of legislative service.

The House you are entering has a proud record of achievement. We claim major credit for the Mall that is rapidly rising next door; for the hundreds of new jobs brought to the state by Fidelity and at the Fleet Service Center.

The Litany of new programs and initiatives developed and brought to fruition by members of this House is long and distinguished. One thinks immediately of:

Electricity rate deregulation - George Caruolo.

Tax reduction, especially the auto excise - Tony Pires.

National awards won by the Bay Commission - Vinny Mesoilella.

The launching of Aquaculture - Eileen Naughton.

"Article 31" to upgrade education - Paul Crowley.

Special education - Paul Sherlock.

The Environment - Peter Ginaitt and Brian Kennedy.

Health and Women's rights - Nancy Benoit and Barbara Burlingame.

I could go on and on. But clearly this chamber yields to no other branch of government on its record of concern and creativity in solving the basic problems that face the State.

Let me touch on just a few of the major issues that will be coming before us this year. There is of course the perennial question of budget policy. If the current prosperity continues- and we must do all that we can to insure that it does -the present budget surplus will be a major factor in our planning. (With luck we will have a surplus each of the next two years.)

I should warn you, however, that a surplus of revenue over expenditures is bound to pose difficult questions of priority. There will be pressure to cut taxes. There will be pressures to increase funding, and for new programs.

The picture will be further complicated by the arrival of new moneys under the settlement with the tobacco companies. Do not assume that having new money to deal with will make life easier. The hard decisions will be different from those in a tight budget period, but they will still be hard.

Environmental questions will be very much on our minds and agendas. Take Quonset for example. The development of a major new port facility there would be of enormous economic advantage to the state. If we are concerned about jobs and economic development, Quonset must be at the top of the list.

On the other hand, those who remind us that Narragansett Bay is our one greatest natural asset are of course correct. We must cherish and protect the Bay for ourselves and for those who will come after us. The General Assembly is charged with responsibility for protecting and conserving our natural resources.

The Constitution also charges us to provide "adequate resource planning for the control and regulation of the use of the natural resources of the state." Note the word USE. Our task is to plan for prudent use.

Our job in this instance, as in so many others, is to find and mandate the proper balance between economic development and preservation. A resource like the Bay can lend itself safely to many uses. We are ultimately responsible for insuring that such a balance is achieved among them.

There are issues in the area of education, as we are all aware. The challenges which the General Assembly laid before the whole system of public education in Article 31 of the 1998 budget Act should be followed up vigorously by the General Assembly, and especially by the House where Article 31 originated.

The project for the construction of a new basketball and hockey facility at the University of Rhode Island should also be of interest to all of us. We must not underestimate the importance of athletics in the University program, nor the prestige that a nationally recognized athletic program can bring to URI.

There are other challenges that we will face during the next two years. One that must be confronted sooner or later is the relocation of Route 195 and its junction with Route 95.

In short, my friends, we have our work cut out for us. Not everything we do during this session will win us praise. But we must never forget that the people elected us not merely to register their views in the votes we cast. They elected us to govern, Our conscience and best judgment must be our guides.

As we take up our duties we are all aware of the huge debt of gratitude we owe our families for their patience and the sacrifices they make that we might serve in this Chamber.

I, above all, owe that debt to my long suffering family. So I take this opportunity to thank my children Johnny, Kylie, Lindsay and Olivia; my brother-sister-in-law Scott and Kristin Feely; my sister, Helen; brother-in-law Bob; my brother Bernie; my nieces Helen and Megan, and nephews, and above all, the Speaker of my House, my lovely wife Patti.

Last, but not least, my Mom; and my Dad who will be celebrating his 80th birthday this Thursday.

Again, welcome to all of you, my colleagues. Be of stout heart, and we will get the work done that we have come here to do.

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As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

