

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

Volume 125, No, 51

Thursday, May 14, 1998

Fifty-first Day

The House of Representatives meets at the State House in Providence, Thursday, May 14, 1998, and is called to order at 3:25 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 95 members present and 5 members absent as follows:

PRESENT - 95: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, 5., Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McGowan, McNamara, Menard, Mesolella, Metts, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio, Palumbo, Fanciera, Picard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 5: Representatives Anzeveno, Cambio, Campbell, McCauley, Millard.

INVOCATION

The Honorable Speaker presents Representative Kennedy, 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 Wednesday, May 13, 1998, is approved as printed.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication; The Board of Directors and the Community Services Board of United Way of Southeastern New England cordially invite you to attend the 10th Annual Legislative Reception and Awards Presentation on Thursday, May 14, 1998, at 3:30 p.m. to 5:00 p.m. in the State House Senate Lounge.

Representative Antonio J. Fires and Senator June N. Gibbs will be honored for their leadership in promoting health and human service legislation in the Rhode Island General Assembly. Kindly respond no later than Friday, May 8, 1998 to Janet McHugh at 444-0624.

Received and ordered to be placed on file.

COMMUNICATION FROM THE SENATE

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

(98-S 3088) An Act authorizing the town of South Kingstown to finance the acquisition of land for the constructing, equipping and furnishing a middle school and to issue not more than \$10,000,000 bonds therefor.

Read and referred to the Committee on Corporations.

(98-S 3087) An Act authorizing the town of South Kingstown to finance the acquisition of land for open space, recreation and agricultural purposes and for development of a greenway system along the Saugatucket River and to issue not more than \$1,100,000 bonds therefor.

Read and referred to the Committee on Corporation.

(98-S 3086) An Act relating to taxation.

Read and referred to the Committee on Corporations.

(98-S 3061) An Act authorizing the town of Westerly to issue bonds and notes to an amount not exceeding \$255,000 to finance the construction and expansion of sewers and sewerage systems in the Pickering Drive and Butterfly Drive areas of town.

Read and referred to the Committee on Corporations.

(98-S 3060) An Act relating to dogs - animal control ordinances in the town of Narragansett.

Read and referred to the Committee on Corporations.

(98-S 3084) An Act authorizing the town of South Kingstown to finance public works capital improvement projects and to issue not more than \$500,000 bonds and notes therefor.

Read and referred to the Committee on Corporations.

(98-S 3113) An Act authorizing the town of Newport to finance the construction of an addition to, and the renovation, rehabilitation, improvement, furnishing and equipping of, the Newport Public Library ... parking facilities, landscaping and to issue not more than \$3,000,000 bonds and notes therefor.

Read and referred to the Committee on Corporations.

(98-S 3094) An Act relating to taxation.

Read and referred to the Committee on Corporations.

(98-S 3092) An Act relating to levy and assessment of local taxes in the town of Jamestown.

Read and referred to the Committee on Corporations.

(98-S 3091) An Act relating to levy and assessment of local taxes in the town of Jamestown.

Read and referred to the Committee on Corporations.

(98-S 3037 as amended) An Act relating to state debt reduction.

Read and referred to the Committee on Finance.

(98-S 2477) (Substitute "A") An Act relating to food and drugs uniform controlled substances act.

Read and referred to the Committee on Judiciary.

(98-S 2795) An Act relating to businesses and professions- electricians.

Read and referred to the Committee on Labor.

(98-S 3099 as amended) An Act in amendment of sections 1 thru 10 of An Act passed at the January Session, 1930, entitled "An Act to incorporate the Saylesville Fire District in the town of Lincoln" as amended.

Representative Barr requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, as amended, in concurrence, on motion of Representative Barr, seconded by Representative Menard, and by unanimous consent, on a roll call vote, 72 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 72: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kilmartin, Lally, Lanzi, l-evesque, G. Lima, Little, Long, Lopes, Lowe, Malik, McNamara, Menard, Montalbano, Montanaro, Munschy, Naughton, Falumbo, Picard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Simonian, Slater, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

TRANSMITTAL

By unanimous consent, (98-S 3099 as amended) on the Clerk's desk is ordered to be transmitted to His Excellency, the Governor.

NEW BUSINESS

Representative Giannini introduces (98-H 9090) House Resolution congratulating Mary Kay W. Schnare on receiving the Milken Family Foundation National Education Award.

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Giannini, seconded by the entire House of Representatives and by unanimous consent, on a voice vote.

Representatives Williamson and Murphy introduce (98-H 9091) Joint Resolution making an appropriation of \$5,000 for West Warwick Veterans Council.

Read and referred to the Committee on Finance.

Representatives Rabideau, Lowe and Carroll introduce (98-H 9092) An Act authorizing the Pascoag Fire District to finance the contract termination charge payable to Montaup Electric Company and to issue not more than \$1,500,000 bonds therefor.

Read and referred to the Committee on Corporations.

Representative 5. Anderson introduces (98-H 9093) Joint Resolution making an appropriation of \$2,049.57 to pay the claim of Amica Mutual Insurance Company, P.O. Box 6008, Providence, Rhode Island 02940 as subrogee of Michael and Linda Sprague of 83 Winchester Drive, Glocester, Rhode Island 02857.

Read and referred to the Joint Committee on Accounts and Claims.

Representative 5. Anderson introduces (98-H 9094) Joint Resolution making an appropriation of \$687.53 to pay the claim of Gary Arnett of 502 Washington Street, Roanoke Rapids, North Carolina 27870.

Read and referred to the Joint Committee on Accounts and Claims.

Representatives Kilmartin, Montalbano, Coderre and Dennigan introduce (98-H 9095) An Act authorizing the town of Pawtucket to provide for the reconstruction of highway bridges in the city of Pawtucket and authorizing the financing therefor, including the issue of not more than \$400,000 bonds and notes therefor.

Read and referred to the Committee on Corporations, Representatives Kennedy and Naughton introduce (by request of Chief John Stolgitis of the Department of Environmental Management Division of Fish and Wildlife) (98-H 9096) House Resolution respectfully requesting that the Department of Administration compensate D.E.M. workers for cleanup work done during the North Cape oil spill.

Read and referred to the Committee on Finance. Representatives Reilly, Iwuc and Menard introduce (98-H 9097) House Resolution congratulating Pat Richard on her retirement as Principal of Bernard F. Norton Elementary School. Representative Reilly requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Reilly, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote. Representatives Reilly, Iwuc and Menard introduce (98-H 9098) House Resolution extending sincere condolences on the passing of Attilio A. "Tilo" Margarita. Representative Reilly requests unanimous

consent for immediate consideration. There is no objection,

Read and passed, on motion of Representative Reilly, seconded by the entire House of Representatives, and by unanimous consent, on a rising vote. Representatives Long and Henseler introduce (98-H 9099) House Resolution extending congratulations. Representative Long requests unanimous consent for immediate consideration. There is no objection,

Read and passed, on motion of Representatives Long, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote. Representatives Long and Henseler introduce (98-H 9100) House Resolution extending condolences.

Representative Long requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Long, seconded by the entire House of Representatives, and by unanimous consent, on a rising vote. Representatives Menard, Barr, Montalbano and Winfield introduce (98-H 9101) An Act relating to the town of Lincoln Juvenile Hearing Board.

Read and referred to the Committee on Corporations. Representatives Kelley, Benson, Walter, Carter, Kelso and several other members of the House introduce (98-H 9102) An Act relating to health and safety vehicle tire storage and recycling,

Read and referred to the Committee on Health Education and Welfare. Representatives Farrell, Faria and Barr introduce (98-H 9103) House Resolution creating a special House Commission to study the economic feasibility of the development of the third rail to Quonset.

Read and referred to the Committee on Special Legislation.

Representatives Coderre, Kilmartin, Montalbano, Benoit, Pires and several other members of the House introduce (98-H 9104) Joint Resolution making an appropriation of \$32,500 for Slater Mill Historic Site.

Read and referred to the Committee on Finance.

Representative Slater introduces (98-H 9105) An Act relating to businesses and professions -electricians.

Read and referred to the Committee on Corporations.

NOTICES OF BILL/RESOLUTION

INTRODUCTION

Representative Pires gives notice that on the next legislative day he will introduce a measure concerning taxation. This notice is given in compliance with House Rule 41.

ANTONIO J. PIRES
Representative, District 79

Received and ordered to be placed on file.

Representative Salisbury gives notice that on the next legislative day he will introduce a measure concerning real estate

appraisal. This notice is given in compliance with House Rule 41.

WAYNE L. SALISBURY
Representative, District 54

Received and ordered to be placed on file.

Representative Heffner gives notice that on the next legislative day he will introduce a measure concerning probate forms. This notice is given in compliance with House Rule 41.

MARK B. HEFFNER
Representative, District 88

Received and ordered to be placed on file.

REPORT OF COMMITTEE

COMMITTEE ON FINANCE

Representative Sherlock, for the Committee on Finance, reports back the following measure, with recommendation of passage:

(98-H 8916) An Act relating to the city of Warwick - sewer authority.

Representative Sherlock requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Sherlock, seconded by Representatives Naughton, McNamara, Ginaitt, Henseler, Castro, AikenSalandria, McGowan, Flaherty and Moura, and by unanimous consent, 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 Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, S., Barr, Benoit, Benson, Bierman, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Dennigan, Faria, Farrell, Flaherty, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Levesque, C., Levesque, G., Lima, Little, Lopes, Lowe, Malik, McNamara, Menard, Montalbano, Montanaro, Munschy, Naughton, Palumbo, Panciera, Picard, Pisat,uro, Quick, Rabidesu, Reilly, Rose, Russo, San Bento, Shavers, Sherlock, Simonian, Slater, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

REQUEST

Representative McGowan requests the Journal to reflect that if his machine had not malfunctioned on (98-H 8916), he would have voted in the affirmative.

There is no objection.

REPORT OF COMMITTEE

JOINT COMMITTEE ON ENVIRONMENT AND ENERGY

Representative Ginaitt, for the Joint Committee on Environment and Energy, reports back the following measure, with recommendation of passage:

(98-H 8866) (Substitute "A") An Act relating to harbors and harbor lines.

Representative Ginaitt requests unanimous consent for immediate consideration.

There is no objection.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Ginaitt, seconded by Representatives Walter, Kelley and Kennedy, and by unanimous consent, on a roll call vote, 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 70: The Honorable Speaker Harwood and Representatives AikenSalandria, Ajello, Amaral, Anderson, M., Anderson, S., Barone, Barr, Benoit, Benson, Bierman, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Dennigan, Faria, Farrell, Flaherty, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kilmartin, Levesque, C., Levesque, G., Lima, Little, Lopes, Lowe, Malik, McNamara, Menard, Montalbano, Montanaro, Moura, Munschy, Falumbo, Fanciera, Ficard, Fisaturo, Rabideau, Reilly, Rose, Russo, San Bento, Shavers, Sherlock, Simonian, Slater, Smith, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS -0.

TRANSMITTAL

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

REPORT OF COMMITTEE

COMMITTEE ON JUDICIARY

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

(98-S 2996) An Act relating to solemnization of marriages.

Representative Flaherty requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on motion of Representative Flaherty, seconded by Representatives Benson and Palumbo, on a roll call vote, 75 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 75: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Barone, Barr, Benoit, Benson, Bierman, Burlingame, Callahan, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Dennigan, DeSimone, Faria, Farrell, Flaherty, Fleury, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Kilmartin, Lanzi, Levesque, C., Levesque, G., Lima, Little, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Mesoella, Montalbano, Montanaro, Moura, Munschy, Falumbo, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, San Bento, Shavers, Simonian, Smith, Voccola, Watson, Williams, Williamson, Winfield.

NAYS -0.

TRANSMITTAL

By unanimous consent, (98-S 2996) on the Clerk's desk is ordered to be transmitted to His Excellency, the Governor.

REPORT OF COMMITTEE

COMMITTEE ON JUDICIARY

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

(98-S 2882) An Act relating to solemnization of marriages.

Representative Flaherty requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on motion of Representative Flaherty, seconded by Representative Palumbo, on a roll call vote, 82 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 82: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Dennigan, DeSimone, Faria, Farrell, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Mesoella, Montalbano, Montanaro, Moura, Munschy, Murphy, Falumbo, Ficard, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Shavers, Simonian, Slater, Smith, Voccola, Walter, Watson, Williams, Williamson, Winfield.

NAYS -0.

TRANSMITTAL

By unanimous consent, (98-S 2882) on the Clerk's desk is ordered to be transmitted to His Excellency, the Governor.

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

Representative Pires, for the Committee on Finance, reports back the following measures, with recommendation of passage:

(98-H 9030) An Act relating to establishment and extension of gambling.

Received and ordered to be placed on the Calendar.

(98-H 8338) (Substitute "A") An Act relating to sales and use tax.

Received and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION

Representative Lopes, for the Committee on Special Legislation, reports back the following measures, with recommendation of passage:

(98-S 2257) An Act relating to regulation of sales and advertising price of malt beverages, wine and distilled liquor.

Received and ordered to be placed on the Calendar.

(98-S 2160) Joint Resolution creating a special legislative commission to study the various land trusts and open space projects in the state.

Received and ordered to be placed on the Calendar.

(98-H 7312) Joint Resolution calling upon the governments of Kuwait, the United States of America and the state of Rhode Island to form a state relationship between Rhode Island and Kuwait.

Received and ordered to be placed on the Calendar.

JOINT COMMITTEE ON HIGHWAY SAFETY

Representative Garvey, for the Joint Committee on Highway Safety, reports back the following measure, with recommendation of passage:

(98-H 8955) (Substitute "A") An Act relating to motor and other vehicles.

Received and ordered to be placed on the Calendar.

TRANSFER OF BILL

Representative Benoit, for the Committee on Health, Education and Welfare, reports back the following measure, with recommendation of transfer to the Committee on Finance:

(98-S 2308) An Act relating to health and safety. Received and referred to the Committee on Finance.

GUESTS

Representatives Benson, Carter and Henseler welcome to the House as guests from North Kingstown, Fran Dwyer, Richard Erwin, Ron Patalano, Karla Driscoll and Richard Welch.

Also:

Representative Pires welcomes to the House as guests his wife Margaret C. Pires, Campaign Manager Jacqueline Lafond, friend Joshua Boudrard, and his nephew Bill Platt.

Representative Henseler extends a sincere thank you to Representative Pires for all his hard work as Chairman of the Finance Committee. She announces a reception is being held in his honor in the Senate Lounge for being chosen as Representative of the Year by the United Way.

CALENDAR

On suggestion of Representative Henseler, and by unanimous consent, the Calendar for today is continued to Tuesday, May 19, 1998, in order for committees to meet at the rise.

ANNOUNCEMENTS

Representative Henseler announces, by unanimous consent, there will be no session on Friday, May 15, 1998. Session will reconvene on Tuesday, at regular time.

Also:

Representative S. Anderson announces that the Committee on Labor will meet today at the rise of the House in Room 35 of the State House.

Also:

Representative Benson wishes Representative Heffner and his wife Mary a Happy "15th" Wedding Anniversary.

Also:

Representative Carroll congratulates Representative Kilmartin on graduating from Roger Williams Law School on Saturday.

TRANSMITTAL

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

CORRECTION

By unanimous consent, the House Journal of Tuesday, May 12, 1998, is hereby corrected by recording Representative Lally as being present.

ADJOURNMENT

At 4:47 o'clock P.M. on motion of Representative Henseler, seconded by Representative Salisbury, the House adjourns, on a voice vote.

LINDA McELROY
Recording Clerk

Appendix

INVOCATION

REPRESENTATIVE BRIAN KENNEDY

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

TRANSMITTED TO THE GOVERNOR

(98-S 2882) An Act relating to solemnization of marriages.

(98-S 2996) An Act relating to solemnization of marriages.

(98-S 3099 as amended) An Act in amendment of sections 1 thru 10 of An Act passed at the January Session, 1930, entitled "An Act to incorporate the Saylesville Fire District in the town of Lincoln" as amended.

Appendix

CALENDAR

In order for Tuesday, May 19, 1998:

1. (98-H 7979) An Act relating to health and safety.

Committee on Corporations recommends passage.

2. (98-H 7689) An Act relating to public property and works- authorizing the transfer of property in the town of North Kingstown to the Rhode Island Economic Development Corporation.

Committee on Corporations recommends passage.

3. (98-S 2094) An Act relating to businesses and professions- public accountantcy.

Committee on Corporations recommends passage in concurrence.

4. (98-S 2013) An Act relating to insurance -continuing education requirements.

Committee on Corporations recommends passage in concurrence.

5. (98-S 2284) An Act relating to state purchases - architects- engineers - consulting and printing services.

Committee on Corporations recommends passage in concurrence.

6. (98-H 8033) An Act relating to businesses and professions- shows and exhibitions.

Committee on Judiciary recommends passage.

7. (98-H 7820) An Act relating to workers' compensation insurance.

Committee on Labor recommends passage.

Appendix

CALENDAR

In order for Thursday, May 21, 1998:

1. (98-H 8223) An Act relating to the administrative procedures act.

Committee on Judiciary recommends passage.

2. (98-H 7312) Joint Resolution calling upon the governments of Kuwait, the United States of America and the state of Rhode Island to form a state relationship between Rhode Island and Kuwait.

Committee on Special Legislation recommends passage.

3. (98-H 9030) An Act relating to establishment and extension of gambling.

Committee on Finance recommends passage.

4. (98-H 8338) (Substitute "A") An Act relating to sales and use tax.

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

5. (98-H 8955) (Substitute "A") An Act relating to motor and other vehicles. Joint Committee on Highway Safety recommends indefinite postponement of the original bill and passage of Substitute "A".

6. (98-S 2257) An Act relating to regulation of sales and advertising price of malt beverages, wine and distilled liquor.

Committee on Special Legislation recommends passage in concurrence.

7. (98-S 2160) Joint Resolution creating a special legislative commission to study the various land trusts and open space projects in the state.

Committee on Special Legislation recommends passage in concurrence.

LOUIS D'ANTUONO
Reading Clerk
Thursday, May 14, 1998

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

Thank you for stopping by!

