

## State of Rhode Island and Providence Plantations

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# Journal of the Senate

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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 third day of January in the year of Our Lord two thousand and six.**

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Volume 133, No. 3

Tuesday, January 10, 2006

Third Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:08 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

**PRESENT** – 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisenia, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Issa, Raptakis.

### INVOCATION

The Honorable President, by unanimous consent, presents Senator Ciccone, to deliver the invocation.

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Ciccone, to lead the Senate in the pledge of allegiance to the flag.

### APPROVAL OF RECORD

The Senate Journal of the first and second Legislative Day's of 2006 proceedings are read in part.

Upon suggestion of Senator Ciccone, and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

**GUESTS**

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber the Burrillville High School Super Bowl Champions, Anthony J. Bourget, Brian M. DeRotto, Kevin W. Fowler, Brennan A. Gautreau, Christopher D. Gelfuso, Daniel E. Ketcham, Cody M. Meinville, Brian Pelkey, Jr., Benjamin A. Russell, Scott D. Tupper, Shaun T. Weakley, Joseph A. Wasilewski, Stephen E. Carlton, Captain Ryan D. St. Pierre, Jeffrey A. Schmeltz, Brett M. Hereth, Anthony L. Moore, Jeffrey M. Joergensen, David H. Robinson, Captain Lee M. Sulham, Trevin T. Alpaio, Brandon C. Haddad, Jonathan A. Henault, Shawn C. McConnell, Andrew N. Morin, Francis B. Tetreault, Jr., Captain Kenneth M. Strobel, Joseph Makowski, Mitchell E. Jenness, Brian C. Esteves, Thomas V. Smith, Jr., Brian M. Smith, Emerson J. Badessa, Jacob A. Denault, Elias V. Richardson, James A. Souza, Jonathan A. Greenwood, Brandon W. Reiff, Timothy R. Trinque, Joseph Green, Benjamin W. Bisson, Samuel Horstmann, Carl K. Cullerton, Jr., Michael J. Thornhill, Jr., Kevin M. Allard, William A. Barbrie, Ryan R. LeClaire, Captain Benjamin Jenness, Andrew J. Berthod, Matthew A. Berthod, Matthew J. Lariviere, Ryan M. Coffey, Tyler M. Lapierre, Jonathan E. Meadows, Christopher F. St. Pierre, Steven C. Hauser, Craig E. Beauregard, Alexander M. Chretien, Chance J. Batalon, Andrew M. Lizotte, Kevin G. Giorgi, Michael P. Bartolomei, Matthew T. Corcoran, Justin J. LaPlume, Alex D. Royer, Head Coach Mike Hauser, Assistant Coaches Gennaro Ferraro, Joe Hauser, Steve Pichie, Greg Sulham, Nunzio Vuono, Athletic Director Peter J. Berthelette and Principal Richard G. Trogisch.

**COMMUNICATION**

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
SENATE CHAMBER**

January 5, 2006

Honorable Joseph A. Montalbano  
President of the Senate  
318 State House  
Providence, RI 02903

Dear President Montalbano:

I am writing to inform you that I will be absent from Legislative Session on Tuesday, January 10, 2006. Please know I will be out of town.

Thank you.

Sincerely yours,  
Leonidas P. Raptakis

Senator – District 33

Read an ordered to be placed on file.

**APPOINTMENTS BY THE GOVERNOR**

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointment and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE**

January 6, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

**Bruce H. Dawson of North Kingstown  
Public Member**

VICE  
Laurence W. Ehrhardt  
(resigned)

for a term expiring January 31, 2006.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture.

**REPORTS OF COMMITTEES****COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

Appointment of Leo P. Thompson of Scituate VICE John Giusti to the Narragansett Bay Commission for a term expiring April 1, 2006.

Without objection, read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

**Senate Bill No. 2010**

**BY** Algieri

**ENTITLED,** AN ACT RELATING TO TAXATION

(authorize the town council of Westerly to increase the tax exemptions)

Read and referred to Senate Committee on Commerce, Housing and Municipal Government

**Senate Bill No. 2011**

**BY** Walaska, Alves

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DEFINITIONS AND GENERAL CODE PROVISIONS

(define a motorized scooter)

Read and referred to Senate Committee on Commerce, Housing and Municipal Government

**Senate Bill No. 2012**

**BY** Gibbs

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC.

(town of Middletown to grant retroactive tax exemptions back to December 31, 2003 to any property owned or leased by the Middletown Historical Society, Inc.)

Read and referred to Senate Committee on Commerce, Housing and Municipal Government

**Senate Bill No. 2013**

**BY** Tassoni, Issa, Doyle, McBurney

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES

(create a new RI motor vehicle registration plate for all active and retired members of the United States Reserve Forces of RI)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2014**

**BY** Tassoni, Doyle, McBurney

**ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT SYSTEM FOR BREEDING OF CATS

(establish a permit system to regulate the cat population in the state)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Resolution No.2015****BY** Ciccone, Badeau, Lanzi, Connors, Pichardo**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE FINANCING OF NECESSARY REPAIRS AND RENOVATIONS TO MUNICIPAL EDUCATIONAL FACILITIES

Read and referred to Senate Committee on Finance

**Senate Bill No. 2016****BY** Walaska, Bates, Issa, Damiani, McCaffrey**ENTITLED**, AN ACT RELATING TO REGISTRATION OF VEHICLES -- VETERANS' PLATES  
(allow veterans' of a number of conflicts to be issued additional veterans' plates for other vehicles they own)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2017****BY** Walaska, Damiani**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - SPECIAL REGISTRATION PLATES  
- AMATEUR RADIO

(war veteran license plate upon which is shown his or her amateur "call sign")

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2018****BY** Bates, Ciccone, Damiani, Goodwin**ENTITLED**, AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT - STATE  
LOTTERY

(director of the state lottery to meet not less than nine (9) times per year with the permanent joint committee on state lottery)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2019****BY** Tassoni, Paiva-Weed, Sosnowski**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF  
VEHICLES

(special motor vehicle registration plate representing the Audubon Society of Rhode Island and Save the Bay)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2020**

**BY** Paiva-Weed, Levesque C, Gibbs

**ENTITLED**, AN ACT RELATING TO RECREATIONAL AREAS - GENERAL PROVISIONS

(the Rugby field at Fort Adams State Park the Joseph 'Jay' P. Kirwin Rugby Pitch Field)

Read and referred to Senate Committee on Constitutional and Gaming Issues

**Senate Bill No. 2021** (By Request)

**BY** Algieri, Sosnowski, Blais, Bates, Breene

**ENTITLED**, AN ACT HEALTH AND SAFETY

(establish recycling programs for E-Waste)

Read and referred to Senate Committee on Environment and Agriculture

**Senate Bill No. 2022**

**BY** Tassoni, Doyle, McBurney, Damiani

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

(add the degree of philosophical doctorate to that degrees that would qualify a municipal police officer to receive a level 4, incentive step increase in pay)

Read and referred to Senate Committee on Finance

**Senate Bill No. 2023**

**BY** McBurney

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS

(whenever any judge dies before retirement)

Read and referred to Senate Committee on Finance

**Senate Bill No. 2024**

**BY** Tassoni, Doyle, McBurney, Damiani

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES  
COMPENSATION

(prison commissary fund)

Read and referred to Senate Committee on Finance

**Senate Bill No. 2025**

**BY** Tassoni, Doyle, McBurney, Damiani, Polisena

**ENTITLED**, AN ACT RELATING TO TAXATION

(tax credit for "Qualified School to Career Program")

Read and referred to Senate Committee on Finance

**Senate Bill No. 2026****BY** Tassoni, Doyle, McBurney, Damiani, Polisena**ENTITLED**, AN ACT RELATING TO CHILDREN WITH DISABILITIES

(funding for special education)

Read and referred to Senate Committee on Finance

**Senate Bill No.2027****BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO STATE BUDGET -- PUBLIC FINANCE

(set deadline for appropriation of state aid to education)

Read and referred to Senate Committee on Finance

**Senate Bill No. 2028****BY** Tassoni, Issa, Doyle, McBurney, Damiani**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

(child care assistance program)

Read and referred to Senate Committee on Finance

**Senate Bill No. 2029** (by request)**BY** Gibbs, Blais, Breene, Bates, Algieri**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES -- EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES --COSTS

(reimburse municipal corporations costs)

Read and referred to Senate Committee on Financial, Technology and Regulatory Issues

**Senate Bill No. 2030****BY** Tassoni, Doyle, McBurney, Damiani, Polisena**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT

(decrease the amount of child support arrearage constituting a felony)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2031****BY** Tassoni, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

(children 7 years or older required to wear seat belts)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2032****BY** Walaska, Issa**ENTITLED**, AN ACT RELATING TO CHILDREN AND THEIR FAMILIES -- PARENT RESPONSIBILITY

(share the costs of wayward and/or delinquent court proceedings involving their children)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2033****BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS

(define terms for contributions that qualify for matching public funds)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2034****BY** Tassoni, Doyle, McBurney, Damiani, Polisena**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND JUSTICE COMMISSION

(make changes in the composition of the Rhode Island Justice Commission, the Criminal Justice Policy Board and the Criminal Justice Oversight Committee)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2035****BY** Levesque C**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- PORTSMOUTH MUNICIPAL COURT

(town of Portsmouth to establish a municipal court)

Read and referred to Senate Committee on Judiciary

**Senate Bill No. 2036****BY** Ciccone, Badeau, Connors, Ruggerio, Damiani**ENTITLED**, AN ACT RELATING TO CONTRACTOR'S REGISTRATION

(responsible for staffing and supervision of the board)

Read and referred to Senate Committee on Labor

**Senate Bill No. 2037****BY** Tassoni, Doyle, McBurney, Damiani, Polisena**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAMILY AND MEDICAL LEAVE

(time out of work to take their minor children and elderly relatives to medical appointments)

Read and referred to Senate Committee on Labor



**Senate Resolution No.2038****BY** Felag, Levesque C, Bates**ENTITLED**, SENATE RESOLUTION RECOGNIZING DOMENIC N. RAIOLA FOR HIS LIFELONG DEDICATION TO MORE THAN FIVE DECADES OF RHODE ISLAND'S STUDENT-ATHLETES

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

**ANNOUNCEMENTS**

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator McCaffrey announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Ciccone announces that the Committee on Labor will meet on Thursday, January 12, 2006, at 3:00 o'clock P.M. in Room 212 of the State House.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

**RECESS**

Upon suggestion of Senate DaPonte, and by unanimous consent the Senate stands at recess at 4:20 o'clock P.M. until the call of the chair and that the desk shall remain open to receive new business.

**CALLED TO ORDER**

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Thursday, January 12, 2006, at 4:17 o'clock P.M.

**COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

Appointment of Alan Nathan of Barrington VICE Craig Baker to the Narragansett Bay Commission for a term expiring April 1, 2005.

Read and ordered to be placed on the Consent Calendar.

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:20 o'clock P.M.

**RAYMOND T. HOYAS, JR.**  
*Secretary of the Senate*

**Appendix**

**INVOCATION**

**SENATOR FRANK A. CICCONE III**

Almighty God, may we pursue our tasks with a sense of Your presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR THURSDAY, JANUARY 12, 2006:**

- 1** Appointment of Leo P. Thompson of Scituate VICE John Giusti to the Narragansett Bay Commission for a term expiring April 1, 2006.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

- 2** Appointment of Alan Nathan of Barrington VICE Craig Baker to the Narragansett Bay Commission for a term expiring April 1, 2005.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**