

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

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Volume 132, No. 18

Tuesday, March 7, 2006

Eighteenth 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 4:00 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, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senator Bates, Damiani.

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of the Seventeenth Legislative Day of the 2006 proceedings is read in part.

Upon suggestion of Senator Breene, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

**GUESTS**

Upon suggestion of Senators Fogarty and Blais and by unanimous consent, the Honorable President, welcomes to the Chamber the Ponaganset Middle School Champion Basketball Team, Adam Babcock, Jonathan Blanchette, Alex Borino, Colby Clarke, Garett Drainville, Joseph Fogarty, Jake Fraatz, Cody Gibb, Nick Keeling, Nick Manning, Josh Morgan, Sean Parrish, Justin Pastore, Joseph Rivera, Josh Smith, Norman Diamante, David Gelsomino, Brendan Morgan, John Peterson, Tyler Whetstone, Will Girard, Chris Larrabee, Gerry Manning, Coach Mike Girard, Coach Neal Babcock, Coach Dave Armstrong, Assistant Coach George Boisvert, Cheerleading Coach Sarah Bicknell, Score Keeper Jared Dionne, Cameraman David Yan, Superintendent of Schools Dr. Mario Cirrilo, Principal Patricia Marcotte, Assistant Principal Janet Ragno, Co-Athletic Director Michael AND Co-Athletic Director Gary Martinelli

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President, welcomes to the Chamber from the Blackstone Valley Tourism Council, Robert Billington, Natalie Carter Veronica Cadoppi and Anne Conway

**COMMUNICATION**

The Honorable President presents the following communication:

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

March 6, 2006

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

Dear Mr. President:

Please be advised that I will be out of state from March 7 through March 16, 2006, and thus, will be absent from any Senate sessions held during that time period. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,  
David E. Bates  
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

**NEW BUSINESS****Senate Resolution No. 2888****BY** Senators Fogarty P**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF THE HONORABLE WILLIAM E. GONYEA.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senator Gallo.

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

**FROM THE HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage, of the following measure:

**House Resolution No. 7713****BY** Malik**ENTITLED**, JOINT RESOLUTION CONGRATULATING THE 2005 WARREN ATHLETIC HALL OF FAME INDUCTEES.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senator Gallo.

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

**CALENDAR****IN ORDER FOR TUESDAY, MARCH 7, 2006:****1 2006-S 2011 SUB A****BY** Walaska**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
DEFINITIONS AND GENERAL CODE PROVISIONS

Committee on Commerce, Housing &amp; Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Walaska, moves passage, seconded by Senators Sosnowski, Perry, Issa, Sheehan, and many others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**2 2006-S 2191**

**BY Gibbs**

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Gibbs moves passage, seconded by Senators Blais, Polisena, Algieri, Breene, Lenihan, Sheehan and Roberts.

Senator Sheehan discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**3 2006-S 2454**

**BY Breene**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- DEPARTMENT OF TRANSPORTATION**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senator Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**4 2006-H 6717 SUB A**

**BY Fox**

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Committee on Commerce, Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Senator Caprio moves passage, seconded by Senators Walaska and Sosnowski.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Revens

**5 2006-S 2592**

**BY Lenihan**

**ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS**

Committee on Government Oversight recommends passage.

Senator Lenihan moves passage, seconded by Senator Levesque.

Senator Lenihan seconded by Senator Levesque, offers the following written motion to amend.

2006 -- S 2592

AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS

Mr. President:

I hereby move to amend 2006 -- S 2592, entitled "AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS", as follows:

On page 3, by inserting the following language between lines 12 and 13:

"(e) Newly appointed and qualified members of the board shall, within six (6) months of their qualification or

designation, attend a training course that shall be developed with board approval and conducted by the chair of the board and which shall include instruction in the following areas: the provisions of chapters 45-22.3, 42-46, 36-14 and 38-2 and the board's own rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this section, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2.29."

Respectfully submitted,  
SENATOR LENIHAN

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LC01823/2  
=====

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Lenihan moves passage of the act, as amended, seconded by Senator Levesque.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**6 2006-S 2595**

**BY Lenihan**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY

Committee on Government Oversight recommends passage.

Senator Lenihan moves passage, seconded by Senator Cote.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**7 2006-S 2598**

**BY Felag**

**ENTITLED,** AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE  
AUTHORITY

Committee on Government Oversight recommends passage.

Senator Felag moves passage, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**8 2006-S 2740**

**BY Lenihan**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RHODE  
ISLAND RESOURCE RECOVERY CORPORATION

Committee on Government Oversight recommends passage.

Senator Lenihan moves passage, seconded by Senator Polisena.

Senator Lenihan seconded by Senator Polisena and Badeau, offers the following written motion to amend.

2006 -- S 2740

AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

Mr. President:

I hereby move to amend 2006 -- S 2740, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION", as follows:

(1) On page 2, line 30 by deleting the word and number "seven (7)" and inserting in place thereof the word and

number "eight (8)".

(2) On page 3, line 6 by deleting the word and number "six (6)" and inserting in place thereof the word and number "seven (7)".

Respectfully submitted,  
SENATOR ROGER BADEAU

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LC00926/3  
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The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Lenihan moves passage of the act, as amended, seconded by Senators Polisena, and Badeau

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**9 2006-S 2742 SUB A**

**BY Levesque C**

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

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Levesque, moves passage, seconded by Senators Lenihan and Fogarty.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi,



Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**10 2006-S 2743 as amended**

**BY Levesque C**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
NARRAGANSETT INDIAN LAND MANAGEMENT  
CORPORATION

Committee on Government Oversight recommends passage as amended.

Senator Levesque moves passage, seconded by Senators Fogarty and Lenihan.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**11 2006-S 2826**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage.

Senator Connors, moves passage, seconded by Senators Lenihan and Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**APPOINTMENTS BY THE GOVERNOR**

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

March 3, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 36-8-4 of the Rhode Island General Laws, I have made the following appointment to the State Retirement Board:

**M. Carl Heintzelman of North Kingstown**  
(CLU Representative)

VICE  
Ponzi Angelone, CLU

for a term expiring March 1, 2007.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Finance.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

March 7, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Commission:

**Thomas Kravitz of Burrillville**  
(Local Planner)

VICE  
Kevin Flynn

for a term expiring January 31, 2009

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Commerce, Housing and Municipal Government.

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

March 3, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

**Sarah D. Courtemanche of Pawtucket  
(Student Representative)**

VICE  
Paula Arruda

for a term expiring January 31, 2008.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

**ANNOUNCEMENTS**

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

Senator Walaska announces that the Committee on Financial Services, Technology And Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Ciccone announces that the Committee on Labor will meet on Wednesday, March 8, 2006, at 3:30 P.M., in Room 212 of the State House.

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

**TRANSMITTAL**

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

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Fogarty, the Senate adjourns at 4:27 o'clock P.M. in memory of the Honorable William E. Gonyea, Councilman, from the Town of Burrillville.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR KEVIN A. BREENE**

Dear God, we have so much for which we are thankful, for this beautiful state which we live in, for the resources you have given us, for your protection and guidance of all the members of this Senate, as we strive for the public's welfare. Amen.