

State of Rhode Island and Providence Plantations

Journal of the Senate

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.

Volume 132, No. 30

Tuesday, April 11, 2005

Thirtieth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Daniel P. Connors, Majority Deputy President Pro Tempore of the Senate, at 4:07 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

ABSENT – 4: Senators McBurney, Montalbano, Revens, Walaska.

INVOCATION

The Honorable Majority Deputy President Pro Tempore, by unanimous consent, presents Senator Raptakis, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable Majority Deputy President Pro Tempore, by unanimous consent, presents Senator Raptakis, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of the Twenty-ninth Legislative Day of the 2006 proceedings is read in part.

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

NEW BUSINESS

Senate Resolution No. 3005**BY** Senator Tassoni**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE WINNERS OF THE FIRST ANNUAL HOBEBY BAKER HIGH SCHOOL CHARACTER AWARD.

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Paiva Weed, Algieri, DaPonte, Caprio Fogarty, Roberts, Polisen, Levesque and Doyle.

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

GUESTS

Upon suggestion of Senators Tassoni, Paiva Weed, Algieri, DaPonte, Caprio Fogarty, Roberts, Polisen, Levesque and Doyle and by unanimous consent, the Honorable Majority Deputy President Pro Tempore welcomes to the Chamber the winners of the first Annual Hobey Baker High School Character Award, Pat McCarty of Barrington High School, Katie Giuliano of Barrington High School, Adam Carullo of Bishop Hendricken High School, Erica Allard of Bishop Keough/St.Rays/Wheeler High School, Ryan St. Pierre of Burrillville High School, Sarah Buchanan of Burrillville High School, Richard Bache of Moses Brown, Victoria Baxter of Mt. St. Charles Academy, Adam Bernardino of North Providence High School, Norman Vickers of Pilgrim High School, Michael Colasante of Prout High School, Pat McCoy of Scituate High School, Brendan Johnson of St. Raphael Academy, Christopher O'Keefe of West Warwick High School, Richard Brussard, Rhode Island State Director, Hobey Baker Foudation, Jordan McSweeney of Coventry High School, Richard Enos of Cranston High School East, Jason Imondi of Cranston High School West, Phil Laliberte of Cumberland High School, Justin Carlson of East Greenwich High School, Michael Cicerone of East Providence High School, Benjamin DaPonte of Mt. Hope High School, Ethan Sterling of Narragansett High School, Jeff Eiland of North Smithfield High School, Kyle Short of Ponaganset High School, John Patrick Kennedy of Providence Country Day/Wheeler High School, Christopher Fallago of Smithfield High School, Cameron Correia of Toll Gate High School, Joseph McGurrin of Warwick Veternas High School, Len Kiernan, President, Rhode Island Interscholastic Hockey Coaches Association, Sam Pennine of Johston High School, David Gagnon of LaSalle Academy, Alicia Mullen of LaSalle Academy, Derek Parenteau of Lincoln High School, Bridget McBain of Lincoln School/Providence Country Day, Maria Dougherty of Middletown High School, Brendan Shea of Mt. St. Charles Academy, Ryan Cote of North Kingstown High School, Ashley Hutchins of North Smithfield High School, Bradley Updegrove of Portsmouth High School, Dan Milot of Rogers/Tiverton High School, Eliza Pond of St. Mary Academy/Bay View, Sergio Coelho of Tolman High School and Jeffery Ouimette of Woonsocket High School.

REPORTS OF COMMITTEES

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2273

BY Senator Walaska

ENTITLED, AN ACT RELATING TO REGULATION OF BOATS -- FLOTATION DEVICES (children thirteen (13) years or younger to wear personal flotation devices while aboard vessels sixty-five (65) feet or less that are underway. It would also exempt children while occupying an enclosed cabin or compartment).

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

Also:

Senate Bill No. 2463

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE.

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

Also:

Senate Bill No. 2688 (Health)

BY Senators Gibbs, Blais

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURISTS AND ESTHETICIANS (relating to licenses/registration).

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

Also:

Senate Bill No. 2963

BY Senator Sosnowski

ENTITLED, AN ACT PERMITTING THE TOWN OF SOUTH KINGSTOWN TO EXEMPT CERTAIN PROPERTIES FROM TAXATION (permit the town council of the town of South Kingstown to exempt from taxation certain real and personal property used for manufacturing or commercial purposes).

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

Also:

Senate Bill No. 2964**BY** Senators Blais, Raptakis**ENTITLED**, AN ACT RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 ENTITLED "AN ACT TO CREATE A SEWER AUTHORITY FOR THE TOWN OF COVENTRY AND TO AUTHORIZE SAID TOWN TO PLAN, CONSTRUCT, FINANCE, OPERATE AND MAINTAIN SEWAGE WORKS" (permit the town to issue bonds and notes secured solely by sewer system revenues to the Rhode Island Clean Water Finance Agency).

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

Also:

Senate Bill No. 2966**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO THE SEWER SYSTEM OF THE TOWN OF MIDDLETOWN.

Read and ordered to be placed on the Calendar for Tuesday, April 25, 2006.

NEW BUSINESS**Senate Resolution No. 3006****BY** Senators Breene, Sosnowski, Blais, Fogarty P**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S DIVISION OF FOREST ENVIRONMENT FOR 100 YEARS OF VITAL STEWARDSHIP OVER RHODE ISLAND'S FORESTLANDS.

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Breene moves passage, seconded by Senator Algieri.

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

Also:

Senate Resolution No. 3007**BY** Senator Alves**ENTITLED**, SENATE RESOLUTION EXPRESSING DEEPEST CONDOLENCES ON THE PASSING OF CORPORAL BRIAN R. ST. GERMAIN.

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senators Damiani, Polisena and Metts.

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

Also:

Senate Resolution No. 3004

BY Senator Connors

ENTITLED, SENATE RESOLUTION PROCLAIMING THE WEEK OF APRIL 1-8, 2006 TO BE "ARCHITECTURE WEEK" IN THE STATE OF RHODE ISLAND.

Senator Badeau requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Badeau moves passage, seconded by Senators DaPonte, Ciccone, Lanzi.

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

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2917 SUB A

BY Senators Montalbano J, Ruggerio, Paiva-Weed, Badeau, Ciccone

ENTITLED, AN ACT RELATING TO MOTION PICTURE PRODUCTION TAX CREDITS (clarify the statutory procedures for the issuance of motion picture production company tax credits.)

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senators Ruggerio, Blais, Roberts, Raptakis, Levesque and Algieri.

The act is read and passed, 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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS- 0:

COMMUNICATION

The Honorable Majority Deputy President Pro Tempore presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 11, 2006

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the March 29, 2005 appointment of Nancy Merrill to the Rhode Island Public Telecommunications Authority.

Sincerely,



Donald L. Carcieri
Governor

Read and ordered to be placed on file.

CALENDAR

IN ORDER FOR TUESDAY, APRIL 11, 2006:**1 Appointment of The Honorable Scott Avedisian of Warwick VICE Wayne Salisbury to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2006.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this appointment.

Senator Sosnowski, seconded by Senator Roberts, moves that advice and consent of the Senate be given this appointment.

Senators Gibbs and Algiere discuss the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

GUESTS

Upon suggestion of Senator Roberts and by unanimous consent, the Honorable Majority Deputy President Pro Tempore welcomes to the Chamber the Honorable Scott Avedisian, the Mayor from the City of Warwick.

2 Appointment of George Mason of Little Compton VICE Judith Bailey (resigned) to the Agricultural Lands Preservation Commission for a term expiring January 1, 2010.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this appointment.

Senator Sosnowski, seconded by Senator Gibbs, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

GUESTS

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable Majority Deputy President Pro Tempore welcomes to the Chamber George Mason of Little Compton.

3 Reappointment of Arthur C. Barton, III of East Greenwich to the Clean Water Finance Agency for a term expiring March 1, 2008.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this reappointment.

Senator Sosnowski, seconded by Senator Lenihan moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: Senators Algieri, Alves, Blais, Breene, Caprio, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

GUESTS

Upon suggestion of Senator Lenihan and by unanimous consent, the Honorable Majority Deputy President Pro Tempore welcomes to the Chamber Arthur C. Barton, III of East Greenwich.

4 2006-S 2810 SUB A**BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS -- CAMPAIGN
CONTRIBUTIONS AND EXPENDITURES REPORTING**

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

Upon suggestion of Senator Ruggerio, and without objection, seconded by Senator Algieri and without objection, ordered to be placed on the Calendar for Tuesday, April 25, 2006.

5 2006-S 2602 SUB A**BY Roberts****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF BUSINESS REGULATION**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Roberts moves passage, seconded by Senators Levesque, Sheehan, Issa, Perry, Blais, Gibbs, and Metts.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

6 2006-S 2465**BY Walaska****ENTITLED, AN ACT RELATING TO HIGHWAYS -- ABANDONMENT BY
TOWNS**

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, seconded by Senator Algieri and without objection, ordered to be placed on the Calendar for Thursday, April 27, 2006.

TRANSMITTAL

By unanimous consent, all 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.

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable Majority Deputy President Pro Tempore welcomes to the Chamber from the American Institute of Architects, Stephen White, Greg Spiess, Cyndi Gerlach, Steven Ehlbeck, Drayton Fair, Paul Pawlowski, George Burman, Michael Abbott.

ANNOUNCEMENTS

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in the Senate Lounge 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.

Senator Levesque announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

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 Lanzi announces that the Committee on Labor will meet tomorrow, at 3:00 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:44 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR LEONIDAS P. RAPTAKIS

Guide us, Lord, towards a deeper understanding of the needs of the people of our State; may we be instrumental in serving those needs. Let us work to improve the lives of those who have no voice in their government. Amen.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 12, 2006:

1 2006-S 2138 SUB B as amended**BY Connors****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Government Oversight recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B as amended in concurrence.

2 2006-S 2141 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

3 2006-S 2143 as amended**BY Roberts****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER
RESOURCES BOARD**

Committee on Government Oversight recommends passage as amended in concurrence.

4 2006-S 2593 SUB A**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
EAST BAY ECONOMIC INITIATIVE**

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

5 2006-S 2594 SUB A**BY Cote****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION**

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

6 2006-S 2595 SUB A**BY Lenihan****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY**

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

7 2006-S 2654 as amended

BY Ruggiero

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Government Oversight recommends passage as amended.

8 2006-S 2740 SUB A

BY Lenihan

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

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

9 2006-S 2825 SUB A

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - FORT ADAMS FOUNDATION

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

10 2006-H 7155 SUB A

BY Coderre E

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION

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

11 2006-H 7157

BY Coderre E

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

Committee on Government Oversight recommends passage in concurrence.

12 2006-H 7176

BY Coderre E

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

Committee on Government Oversight recommends passage in concurrence.

13 2006-H 7204 as amended**BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY

Committee on Government Oversight recommends passage as amended in concurrence.

IN ORDER FOR TUESDAY, APRIL 25, 2006:**1 2006-S 2810 SUB A****BY McCaffrey****ENTITLED,** AN ACT RELATING TO ELECTIONS -- CAMPAIGN
CONTRIBUTIONS AND EXPENDITURES REPORTINGCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.**2 2006-S 2018****BY Bates****ENTITLED,** AN ACT RELATING TO THE STATE AFFAIRS AND
GOVERNMENT - STATE LOTTERY

Committee on Constitutional & Gaming Issues recommends passage.

3 2006-S 2273**BY Walaska****ENTITLED,** AN ACT RELATING TO REGULATION OF BOATS -- FLOTATION
DEVICES

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2006-S 2463**BY McCaffrey****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- STATE
BUILDING CODE

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2006-S 2688**BY Gibbs****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURISTS
AND ESTHETICIANS

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2006-S 2963

BY Sosnowski

ENTITLED, AN ACT PERMITTING THE TOWN OF SOUTH KINGSTOWN TO EXEMPT CERTAIN PROPERTIES FROM TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

7 2006-S 2964

BY Blais

ENTITLED, AN ACT RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 ENTITLED "AN ACT TO CREATE A SEWER AUTHORITY FOR THE TOWN OF COVENTRY AND TO AUTHORIZE SAID TOWN TO PLAN, CONSTRUCT, FINANCE, OPERATE AND MAINTAIN SEWAGE WORKS"

Committee on Commerce, Housing & Municipal Government recommends passage.

8 2006-S 2966

BY Gibbs

ENTITLED, AN ACT RELATING TO THE SEWER SYSTEM OF THE TOWN OF MIDDLETOWN

Committee on Commerce, Housing & Municipal Government recommends passage.

IN ORDER FOR THURSDAY, APRIL 27, 2006:

1 2006-S 2465

BY Walaska

ENTITLED, AN ACT RELATING TO HIGHWAYS -- ABANDONMENT BY TOWNS

Committee on Commerce, Housing & Municipal Government recommends passage.

GABRIEL REI
Deputy Clerk of the Senate