

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No.21

Tuesday, March 13, 2007

Twenty-first Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:14 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, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska.

ABSENT – 2: Senators Doyle and Sosnowski.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COMMUNICATION

The Honorable President presents the following communication:

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

March 13, 2007

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

Dear President Montalbano:

Please accept this letter as notification that I will be unable to attend Senate Session today, Tuesday, March 13, 2007, due to being away on business.

Thank you.

Sincerely yours,

James E. Doyle, II
Senator – District 8
Pawtucket

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 846**

BY Senator Tassoni

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 13, 2007 TO BE "HOBIEY BAKER HIGH SCHOOL CHARACTER AWARDS DAY" IN RHODE ISLAND {LC2593/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senators Tassoni, Bates, Raptakis, Levesque, Gallo, Connors, Paiva Weed, Maselli, DaPonte, Miller, Lanzi, Ciccone, Cote, Lenihan, Gibbs, Ruggerio, Felag, Sheehan, Walaska and Alves and by unanimous consent, the Honorable President, welcomes to the Chamber receiving the Hobey Baker Award for Hockey, Jameson Marshall, Barrington, Mackenzie Gregory, Barrington, Matthew

Cannon, Bishop Hendricken, Megan Belmont, Bishop Keough/Moses Brown/Wheeler, Dan L'Esperance, Burrillville, Sarah Johnson, Burrillville, Derrick Bonin, Coventry, Michael Strayer, Cranston East, Kayla Smith, Cranston, Peter Pirolli, Cranston West, John Pora, Cumberland, David Peduto, East Greenwich, Tyler Elmasian, East Providence, Kyle Young, Johnston, Christopher M. Dalesio, La Salle Academy, Emily Allen, La Salle Academy, Garrett Riel, Lincoln, Mary Rogers, Lincoln School/Providence Country Day, Kailey Nash, Middletown, Patrick Flynn, Moses Brown, Michael Augustus, Mt. Hope, Jeff Lace, Mt. St. Charles, Tayla Lackey, Mt. St. Charles, Matthew Straight, Narraganset, Willard Davis IV, North Kingstown, Steven Borino, North Providence, Christopher Malbon, North Smithfield, and Allison Nangle, North Smithfield, Bruce Fisher-Messier, Providence Country Day/Wheeler, Andrew Fox, Pilgrim, Matthew Dunn, Ponaganset, Christopher Palmer, Portsmouth, Joshua DeSantis, Rogers/Tiverton, Cam McDermott, Scituate, Cory Nangle, Smithfield, Robert Mioni, South Kingstown, Christopher Clavet, St. Raphael Academy, Amy Costa, St. Mary Academy/Bayview, Kyle Byrd, The Prout School, Alexi Maxfield, Toll Gate, David Kenahan, Toll Gate, Cody Warnock, Tolman, Jason Doughty, Warwick Veterans Memorial, Jason Choinere, West Warwick, Cruz Paquin, Woonsocket

NEW BUSINESS

Senate Resolution No. 847

BY Senators Algiere, Montalbano J, Bates, Gibbs, Breene

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF MARGUERITE E. CARCIERI {LC2608/1}

Senator Algiere requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algiere moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 848

BY Senator Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RICHMOND EQUIPMENT CO., INC. {LC2585/1}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Bill No. 849

BY Senator Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HOME CREDIT CORPORATION OF RHODE ISLAND {LC2584/1}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Bill No. 850**BY** Senator Revens**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION {LC2601/1}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Bill No. 851**BY** Senator Fogarty P**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SAND DAM RESERVOIR ASSOCIATION {LC2620/1}

Read and ordered to be placed on the Senate Consent Calendar

CALENDAR**IN ORDER FOR TUESDAY, MARCH 13, 2007:****1 2007-S 267****BY** Gibbs**ENTITLED**, AN ACT RELATING TO HIGHWAYS

Committee on Judiciary recommends passage.

Senator Gibbs 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

2 2007-S 467**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS

Committee on Judiciary recommends passage.

Upon suggestion of Senator McCaffrey, and without objection, ordered to be recommitted to the committee on Judiciary.

3 2007-S 473 SUB A**BY Gallo****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

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

Senator Gallo moves passage, seconded by Senators Pichardo and McCaffrey.

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, Bates, Blais, Breene, Connors, Cote, DaPonte, Felag, Fogarty, Gibbs, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

4 2007-S 690**BY Breene****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS**

Committee on Judiciary recommends passage.

Senator Breene moves passage, seconded by Senators Moura, Blais, Algieri, Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 1: Senator Revens

5 2007-S 766**BY Metts****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

Senator Metts moves passage, seconded by Senators Miller, Levesque, McCaffrey, Paiva Weed, Pichardo, Jabour and many others.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

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.

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Lenihan announces that the Committee on Environment and Agriculture will meet tomorrow, at 1:30 o'clock P.M.) in the Senate Lounge of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet tomorrow, at 1:30 o'clock P.M.) 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 Sheehan 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 Levesque 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 tomorrow, at 3:00 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Ruggerio, and upon suggestion of Senator Algieri, the Senate adjourns at 4:40 o'clock P.M. in memory Marguerite E. Carcieri mother of the Honorable Governor Donald L. Carcieri.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR WALTER S. FELAG, JR.**

Dear Lord, show us how to cooperate with each other in sharing our individual talents. Remind us that working together in a unified effort provides us with strength and produces desired end results. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 14, 2007:

1 2007-S 848

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF RICHMOND EQUIPMENT CO., INC.

Ordered to be placed on the Consent Calendar

2 2007-S 849

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF HOME CREDIT CORPORATION OF RHODE
ISLAND

Ordered to be placed on the Consent Calendar

3 2007-S 850

BY Revens

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF APPONAUG AREA IMPROVEMENT
ASSOCIATION

Ordered to be placed on the Consent Calendar

4 2007-S 851

BY Fogarty P

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF SAND DAM RESERVOIR ASSOCIATION

Ordered to be placed on the Consent Calendar