

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.27

Tuesday, March 27, 2007

Twenty-seventh Legislative Day

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

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Lanzi

INVOCATION

The Honorable President, by unanimous consent, presents Father Anthony Evangelatos of St. Spyridon Greek Orthodox Church in Newport, to deliver the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CELEBRATION OF THE 186TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

The Honorable President, by unanimous consent, requests the clerk to read. (2007-S 853), Senate Resolution Celebrating March 25, 2007 as The 186th Anniversary Of Greek Independence Day, that was passed by the Senate on March 14, 2007.

NEW BUSINESS

Senate Resolution No. 895**BY** Senators Raptakis, Paiva-Weed, McBurney, Gallo, Metts**ENTITLED**, SENATE RESOLUTION URGING TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCHATE {LC2695/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senators Paiva Weed, Gallo, McBurney, Connors, Algieri and by unanimous consent, the Honorable President, welcomes to the Chamber Father Anthony Evengelatos, St. Spyridon Greek Orthodox Church in Newport, Father Andrew George, Annunciation Greek Orthodox Church in Cranston, Father George Economou, Assumption Greek Orthodox Church in Pawtucket and The Honorable George Panichas, Ronald George Purcell, Despina Metakos of Westerly, John Lysikatus of the town of Lincoln, Mrs. Evelyn Diranian and Ms. Virginia Diranian.

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President, welcomes to the Chamber Consul General Constantinos Orphanides.

Consul General Constantinos addresses the members and their guests.

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 21, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with provisions of Section 42-61-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Division of State Lottery:

Gerald S. Aubin Of Narragansett

VICE
Beverly E. Najarian

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Constitutional and Regulatory Issues.

Also:

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

March 27, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeal and Review:

Stuart Pearson of Mapleville
(Volunteer Fire Chief Representative)

for a term expiring March 1, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 27, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following appointment to the Fire Safety Code Board of Appeal and Review:

William R. Jasparro of North Scituate
(Public Member)

VICE
William Keith Burlingame

for a term expiring March 1, 2013.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 26, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following appointment to the Fire Safety Code Board of Appeals:

**James B. Jackson of West Warwick
(Labor Representative)**

VICE
George Farrell

for a term expiring March 1, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 26, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following reappointment to the State Investment Commission:

John Treat of Barrington

for a term expiring March 1, 2010.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance.

Also:

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

March 26, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following appointment to the State Investment Commission:

Robert R. Gaudreau, Jr. of Cranston

VICE
Jeff Britt

for a term expiring March 1, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance.

Also:

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

March 26, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Regents for Elementary and Secondary Education:

Patrick Guida of Barrington

for a term expiring January 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

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

March 26, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Regents for Elementary and Secondary Education:

Karin L. Forbes of North Kingstown

for a term expiring January 31, 2010.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

REPORTS OF COMMITTEES

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

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

Appointment of Paul Wright of Burrillville VICE Jay Aron to the Fire Education and Training Coordinating Board for a term expiring January 31, 2009.

Read and ordered to be placed on the Consent Calendar.

Reappointment of Joseph Bertholic of Pascoag to the Fire Education and Training Coordinating Board for a term expiring January 31, 2010.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

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

Senate Bill No. 76

BY Senator Blais

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (presentence reports)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 285

BY Senators Perry, Levesque C, Miller, Connors, Metts

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST (would require the electronic recording of custodial interrogations in their entirety in cases where the potential sentence is one of life imprisonment)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 468

BY Senators McBurney, Jabour, Levesque C

ENTITLED, AN ACT RELATING TO FAMILY COURT (delete a reference to classified service of an employee in the judicial branch pursuant to the exemptions in chapter 36-4)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 697**BY** Senators Jabour, Connors, McBurney**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- POWERS OF FIDUCIARIES -- TRUSTS (allow corporate trustees to terminate any trust valued at less than \$200,000) {LC1937/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 748**BY** Senators Jabour, Connors, McBurney**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- QUALIFIED DISPOSITIONS IN TRUST (make technical amendments to the qualified dispositions in trust act) {LC1934/1}

Read and ordered to be placed on the Calendar

NEW BUSINESS**Senate Bill No. 896****BY** Senators Gallo, Connors, Fogarty P, Levesque C, Felag**ENTITLED**, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY AND PROPERTY TAX RELIEF ACT {LC2595/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Connors.

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: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Revens, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

1 2007-S 38 as amended**BY Cote****ENTITLED,** SENATE RESOLUTION EXTENDING THE REPORTING DATE FOR PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"**2 2007-S 152****BY Maselli****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON**3 2007-S 153****BY Maselli****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON**4 2007-S 837****BY Tassoni****ENTITLED,** SENATE RESOLUTION URGING THE DEPARTMENT OF ADMINISTRATION TO BEGIN CONSTRUCTION OF A NEW FIRE ACADEMY**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 Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, 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.

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 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 Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room SB 27 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in the Senate Lounge 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 Ciccone announces that the Committee on Labor will meet tomorrow, at 2:30 o'clock P.M, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:37 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 28, 2007:

1 Appointment of Paul Wright of Burrillville VICE Jay Aron to the Fire Education and Training Coordinating Board for a term expiring January 31, 2009.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

2 Reappointment of Joseph Bertholic of Pascoag to the Fire Education and Training Coordinating Board for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this reappointment.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 28, 2007:****1 2007-S 305****BY Algieri****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
DECORATIONS

Committee on Constitutional & Regulatory Issues recommends passage.

2 2007-S 481**BY McBurney****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
- LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS

Committee on Judiciary recommends passage.

3 2007-S 732**BY Jabour****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE

Committee on Judiciary recommends passage.

4 2007-S 764**BY Jabour****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- JUDICIAL REVIEW

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MARCH 29, 2007:**1 2007-S 76****BY Blais****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE
AND EXECUTION

Committee on Judiciary recommends passage.

2 2007-S 285**BY Perry****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Committee on Judiciary recommends passage.

3 2007-S 468

BY McBurney

ENTITLED, AN ACT RELATING TO FAMILY COURT

Committee on Judiciary recommends passage.

4 2007-S 697

BY Jabour

ENTITLED, AN ACT RELATING TO FIDUCIARIES -- POWERS OF
FIDUCIARIES -- TRUSTS

Committee on Judiciary recommends passage.

5 2007-S 748

BY Jabour

ENTITLED, AN ACT RELATING TO FIDUCIARIES -- QUALIFIED
DISPOSITIONS IN TRUST

Committee on Judiciary recommends passage.