

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.28

Wednesday, March 28, 2007

Twenty-eighth 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 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of the Twenty- sixth and Twenty-seventh Legislative Day of the 2007 proceedings are read in part.

Upon suggestion of Senator Lanzi, and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

GUESTS

Upon suggestion of Senator Walaska and Blais and by unanimous consent, the Honorable President, welcomes to the Chamber the Bishop Hendricken Freshman Basketball Team, Ross Riordan, Brendan Jennings, Peter Parella, Ryan Palumbo, Tom Stacom, Trevor Bernadyn, Tom Deciantis, David Navarro, Ian Fogarty, Austin Bergeron, AJ Anusavice, Colin O'Brien, Kyle Silva, Coach Chris and Coach Thiago Gomes.

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 28, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Douglas Bennett of North Smithfield

VICE
Azim Mazagonwalla

for a term expiring March 1, 2009.

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 16-57-7 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Higher Education Assistance Authority:

Brenda Dann-Messier of East Greenwich

for a term expiring July 1, 2011

To this appointment, 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 27, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-57-7 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Higher Education Assistance Authority:

Solomon A. Solomon of East Providence

for a term expiring July 1, 2011

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Walaska, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Senate Bill No. 105

BY Senator Walaska

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL CODE (revise Article 1 of the Uniform

Commercial Code to make clear that Article 1 applies only to matters which are subject to the Uniform Commercial Code)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 300

BY Senator Badeau

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS (eliminate the provision of law permitting the use of a photocopy or other reasonable facsimile of an original sales slip when redeeming a rebate) {LC1583/1}

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCE

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

Senate Bill No. 17

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION - TOWN OF NEW SHOREHAM ARTS DISTRICT (recognize Block Island as an art district exempt from taxation.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 813

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (would create an arts district in the town of South Kingstown) {LC2465/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 871

BY Senators Doyle, DaPonte, Montalbano J, McBurney

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (allow the Pawtucket City Council to increase the amount of exemptions with respect to assessed value from local taxation on the taxable property of certain persons.) {LC2506/1}

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

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

Reappointment of Jonathan K. Farnum of Coventry to the Narragansett Bay Commission for a term expiring April 1, 2009

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Leslie M. Gray III of Bristol to the Narragansett Bay Commission for a term expiring April 1, 2009

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Joseph Kimball of East Greenwich to the Narragansett Bay Commission for a term expiring April 1, 2008

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Alan Nathan of Barrington to the Narragansett Bay Commission for a term expiring April 1, 2008.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Leo P. Thompson of Scituate to the Narragansett Bay Commission for a term expiring April 1, 2009.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

Senate Bill No. 79 SUB A

BY Senators Badeau, Ruggerio, Ciccone, Tassoni, Connors

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE FIGHTERS AND POLICE OFFICERS (allow fire and police officers to collect a salary when wholly or partially incapacitated during an emergency on or off duty) {LC451/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 80

BY Senators Badeau, Ruggerio, Ciccone, Tassoni, Connors

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE AND FIREFIGHTERS (accidental disability)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 96

BY Senators Lanzi, Badeau, Ciccone, DaPonte, Tassoni

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FIREFIGHTERS' ARBITRATION (provide that all contractual benefits conferred under an existing contract would continue until a new agreement is reached through arbitration or by agreement between the parties.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 495

BY Senators Badeau, McBurney, Cote, Ciccone

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - BOILER INSPECTION AND PRESSURE VESSELS {LC1664/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 897****BY** Senators Ciccone, Algieri, Levesque C, Ruggerio, Metts**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF AUGUST IN PERPETUITY TO BE "RHYTHM & BLUES HERITAGE MONTH" IN THE STATE OF RHODE ISLAND {LC2715/1}

Senator Ciccone requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ciccone moves passage, seconded by the entire Senate.

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

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

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

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.

Senator Algieri moves passage, seconded by Senators Tassoni, Blais, Ciccone, Felag, Jabour, Sheehan, Ruggerio and Pichardo.

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

NAYS- 0:

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.

Senator McBurney moves passage, seconded by Senators Levesque, Jabour, Metts, McCaffrey and many others.

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

NAYS- 0:

3 2007-S 732

BY Jabour

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators Felag, Sheehan and Metts.

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

NAYS- 0:

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

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senator Metts.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, 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 Regulatory Issues will meet today, at the rise of the Senate, in Room 211 of the State House.

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

Senator Raptakis announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Alves announces that the Committee on Finance will meet today, at 6:00 o'clock P.M. in Room 211 of the State House.

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

Senator Tassoni announces that the Committee on Housing and Municipal Government will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

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

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:24 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR BEATRICE A. LANZI**

We ask, that You guide us, Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, MARCH 29, 2007:****1 Reappointment of Jonathan K. Farnum of Coventry to the Narragansett Bay Commission for a term expiring April 1, 2009.**

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

2 Reappointment of Leslie M. Gray III of Bristol to the Narragansett Bay Commission for a term expiring April 1, 2009.

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

3 Reappointment of Joseph Kimball of East Greenwich to the Narragansett Bay Commission for a term expiring April 1, 2008.

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

4 Reappointment of Alan Nathan of Barrington to the Narragansett Bay Commission for a term expiring April 1, 2008..

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

5 Reappointment of Leo P. Thompson of Scituate to the Narragansett Bay Commission for a term expiring April 1, 2009.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CALENDAR

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.

IN ORDER FOR TUESDAY, APRIL 3, 2007:**1 2007-S 105****BY Walaska****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL
CODE

Committee on Corporations recommends passage.

2 2007-S 300**BY Badeau****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS

Committee on Corporations recommends passage.

3 2007-S 17**BY Sosnowski****ENTITLED,** AN ACT RELATING TO TAXATION - TOWN OF NEW SHOREHAM
ARTS DISTRICT

Committee on Finance recommends passage.

4 2007-S 813**BY Sosnowski****ENTITLED,** AN ACT RELATING TO TAXATION - SALES AND USE TAXES -
LIABILITY AND COMPUTATION

Committee on Finance recommends passage.

5 2007-S 871**BY Doyle****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Finance recommends passage.

6 2007-S 79 SUB A**BY Badeau****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE
FIGHTERS AND POLICE OFFICERSCommittee on Labor recommends indefinite postponement of the original bill and
passage of Substitute A.

7 2007-S 80

BY Badeau

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL
RETIREMENT FOR POLICE AND FIREFIGHTERS

Committee on Labor recommends passage.

8 2007-S 96

BY Lanzi

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
FIREFIGHTERS' ARBITRATION

Committee on Labor recommends passage.

9 2007-S 495

BY Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate