

## 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.29

Thursday, March 29, 2007

Twenty-ninth Legislative Day

---

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:17 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 Fogarty, to deliver the invocation.

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of the Twenty-eighth Legislative Day of the 2007 proceedings is read in part.

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

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 6141**

**BY** Ajello, Melo, Savage

**ENTITLED**, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY AND PROPERTY TAX RELIEF ACT (extend the date by which the joint committee would issue a report outlining its findings and recommendations from March 15, 2007 to May 15, 2007) {LC2529/1}

Read and ordered to be placed on the Consent Calendar.

Also:

**House Bill No. 6158**

**BY** Trillo

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION {LC2597/1}

Read and ordered to be placed on the Senate Desk.

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Perry, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health and Human Services, to the Committee on Education.

**Senate Bill No. 450 (Health)**

**BY** Senators Algieri, Gibbs

**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (require all RI senior high schools that sell or distribute beverages and snacks on their premises, including those sold through vending machines, to offer healthier beverages and snacks effective January 1, 2008) {LC1462/1}

Read and referred to the Committee on Education.

**REPORTS OF COMMITTEES****COMMITTEE ON JUDICIARY**

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

**Senate Bill No. 713** (Attorney General)

**BY** Senator Sosnowski

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- MOTOR VEHICLE OFFENSES (allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or perform a chemical test/driving under the influence of intoxicating liquor or narcotics) {LC1258/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 826**

**BY** Senator Cote

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Gregory Tripp to join Aimee Belisle and Jayson Kenyon in marriage) {LC2450/1}

Read and ordered to be placed on the Calendar

#### **COMMITTEE ON EDUCATION**

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measure:

Reappointment of Dr. Joseph H. Hagan of Little Compton to the Board of Governors for Higher Education for a term expiring January 31, 2010.

Read and ordered to be placed on the Consent Calendar

#### **COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Appointment of Christopher M. Anderson of Providence VICE Andrew Tate to the Marine Fisheries Council for a term expiring April 1, 2008.

Read and ordered to be placed on the Consent Calendar

Reappointment of Dr. Seth S. Macinko of Kingston to the Marine Fisheries Council for a term expiring April 1, 2010.

Read and ordered to be placed on the Consent Calendar

**NEW BUSINESS**

**Senate Bill No. 898**

**BY** Senators Sheehan, Revens, Sosnowski, Paiva-Weed, Levesque C

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - - RENAMING THE NORTH WOODS RESIDENCE A {LC2720/1}

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

Also:

**Senate Bill No. 899**

**BY** Senators Moura, Ruggerio, Alves

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS {LC2315/1}

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

Also:

**Senate Bill No. 900**

**BY** Senator Issa

**ENTITLED**, AN ACT RELATING TO EDUCATION {LC2717/1}

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 901**

**BY** Senators Levesque C, Paiva-Weed, Gibbs, Gallo, Felag

**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION {LC2669/1}

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 902**

**BY** Senators Paiva-Weed, Perry, Alves, Goodwin, Gibbs

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ALL KIDS HEALTH INSURANCE PROGRAM {LC2347/1}

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 903****BY** Senators Gallo, Fogarty P, Connors**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM {LC2688/1}

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 904****BY** Senator Connors**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF INJURED AND DECEASED FIRE FIGHTERS AND POLICE OFFICERS {LC2733/1}

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 905****BY** Senators Paiva-Weed, Gibbs, Felag, Levesque C**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU (amend the terms of service for members appointed to the Newport County Convention and Visitors' Bureau after September 1, 2005) {LC2691/1}

Read and referred to the Senate Committee on Government Oversight

Also:

**Senate Bill No. 906****BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - HEAVY DUTY DIESEL VEHICLE EMISSION INSPECTIONS (allow police officers designated by the state police to perform roadside emission inspections) {LC2731/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 907****BY** Senator Issa**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (allow the department of labor and training to compel the attendance of school committee subcommittees delegated to negotiate collective bargaining agreements at mediation meetings) {LC2713/1}

Read and referred to the Senate Committee on Labor

Also:

**Senate Resolution No. 908****BY** Senators Fogarty P, Montalbano J, Paiva-Weed, Gallo, Connors**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY {LC2739/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by the entire Senate.

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

**GUESTS**

Upon suggestion of Senator Fogarty, Pichardo, Moura and Jabour, and by unanimous consent, the Honorable President, welcomes to the Chamber in celebration of Zambarano Day, Frank Beazly, who, today, marks his 40<sup>th</sup> year at Zambarano Hospital, Cheryl McLaughlin, Debbie Bradshaw, Bill Feole, Roy Shovelton, Jim Valvo, Paul Despres, Hospital Administrator, Bill McMahon and Bob Perrault, Therapeutic Recreation, Debby Stockwell, Maintenance Office, Barbara Waterman, Professional Services Coordinator, Irene Nichols, Secretary to the Hospital Administrator and Dr. Ellen Nelson, Director MHRH.

**NEW BUSINESS****Senate Resolution No. 909****BY** Senators Pichardo, Ciccone, Jabour, Moura, Montalbano J**ENTITLED**, SENATE RESOLUTION HONORING CESAR ESTRADA CHAVEZ (1927-1993) {LC2776/1}

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 910****BY** Senators McCaffrey, Goodwin, Perry, McBurney, Doyle**ENTITLED**, SENATE RESOLUTION DESIGNATING THE MONTH OF MARCH ANNUALLY AS "IRISH-AMERICAN HERITAGE MONTH" IN THE STATE OF RHODE ISLAND {LC2771/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by the entire Senate.

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

Also:

**Senate Bill No. 911**

**BY** Senator McCaffrey

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RACIAL PROFILING PREVENTION ACT OF 2004 {LC2671/1}

Read and referred to the Senate Committee on Judiciary

### **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:

#### **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.**
- 2 Reappointment of Leslie M. Gray III of Bristol to the Narragansett Bay Commission for a term expiring April 1, 2009.**
- 3 Reappointment of Joseph Kimball of East Greenwich to the Narragansett Bay Commission for a term expiring April 1, 2008.**
- 4 Reappointment of Alan Nathan of Barrington to the Narragansett Bay Commission for a term expiring April 1, 2008.**
- 5 Reappointment of Leo P. Thompson of Scituate to the Narragansett Bay Commission for a term expiring April 1, 2009.**

### **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.

Senator Blais moves passage, seconded by Senators McCaffrey, Breene, Algieri, Maselli and Jabour.

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, 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.

NAYS- 0:

**2 2007-S 285**

**BY Perry**

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST**

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators Paiva Weed, McCaffrey, Levesque, Pichardo, Metts, Jabour and Ruggerio.

The act is read and passed, upon a roll call vote with 31 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Algieri, Bates, Blais, Breene, McBurney, Revens.

**3 2007-S 468**

**BY McBurney**

**ENTITLED, AN ACT RELATING TO FAMILY COURT**

Committee on Judiciary recommends passage.

Senator McBurney moves passage, seconded by Senators Doyle, McCaffrey, Jabour and Maselli.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: 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, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**4 2007-S 697**

**BY Jabour**

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

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators Levesque and McCaffrey.

The act is read and passed, by unanimous consent, 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**5 2007-S 748**

**BY Jabour**

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

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators McCaffrey and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: 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, Moura, 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 Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Doyle announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in the Senate Lounge 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 Lenihan announces that the Committee on Government will meet Monday, April 2, 2007, at 3:00 o'clock in Room 212 of the State House.

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri the Senate adjourns at 4:50 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR PAUL W. FOGARTY**

Lord, as we deliberate over the bills before us, grant us your wisdom and insight, and above all compassion. This we ask in your name. Amen.

**Appendix****CONSENT CALENDAR****IN ORDER FOR TUESDAY, APRIL 3, 2007:**

- 1 Appointment of Christopher M. Anderson of Providence VICE Andrew Tate to the Marine Fisheries Council for a term expiring April 1, 2008.**

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

- 2 Reappointment of Dr. Seth S. Macinko of Kingston to the Marine Fisheries Council for a term expiring April 1, 2010.**

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

- 3 Reappointment of Dr. Joseph H. Hagan of Little Compton to the Board of Governors for Higher Education for a term expiring January 31, 2010.**

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

- 4. 2007-H 6141**

**BY Ajello**

**ENTITLED, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY  
AND PROPERTY TAX RELIEF ACT**

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix****CALENDAR****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 OFFICERS

Committee 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.

**10 2007-S 713**

**BY Sosnowski**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends passage.

**11 2007-S 826**

**BY Cote**

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate