

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.32

Wednesday, April 11, 2007

Thirty-Second Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:20 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 Gallo, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senators Tassoni and Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber members of the Division II State Champion Smithfield High School Hockey team Nathan York, Mike Giuliana, Joe Gonsalves, John Delpadre, Thomas Gerlach, Tim Judge, John Chakuroff, Ian Bresette, Ryan Maloney, Colby Fugere, Robert Reall, Mitchell Votaloto, Cody Lange,

Cory Nangle, Dan Sleboda, Kyle Boyle, Steve Smith, Nick DiCarlo, Paul Harrison, Nick Powers, Kevin Brown, Reynolds Lillibridge, Head Coach, Adam Smith Asst. Coach and Nathan Iannuccillo, Manager.

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Jennifer Disisto and Amanda Motta, Seniors at Bay View Academy.

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**

April 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.2-23 of the Rhode Island General Laws, I have made the following appointment to the Fire Education and Training Coordinating Board:

Eugene Craig Beausoleil of Manville
(Representing the Rhode Island Fire Safety Association)

VICE
Chief Arthur Houle

for a term expiring January 31, 2009.

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**

April 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.2-23 of the Rhode Island General Laws, I have made the following appointment to the Fire Education and Training Coordinating Board:

Anthony J. DiGiulio of North Providence
(Representing the Rhode Island Fire Safety Association)

VICE
David Costa
(retired)

for a term expiring January 31, 2009.

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

April 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.2-23 of the Rhode Island General Laws, I have made the following reappointment to the Fire Education and Training Coordinating Board:

Chief Scott G. Kettelle of Exeter
(Representing Regional Firemen's League)

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 Housing and Municipal Government.

Also:

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

April 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Claudia Staniszewski of North Scituate

VICE
Margaret Kerr
(resigned)

for a term to expire January 1, 2009.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

April 4, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 12-1.1-4 of the Rhode Island General Laws, I have made the following appointment to the State Crime Laboratory Commission:

Chief George L. Kelley, III of Pawtucket
(Representing the Rhode Island Police Chiefs Association)

for a term to expire January 1, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary

Also:

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

April 3, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 5-70-4 of the Rhode Island General Laws, I have made the following reappointment to the Board of Examination and Licensing of Telecommunication Systems Contractors, Technicians, and Installers:

Jay Bombardier of Lincoln
[Representing sound technicians]

for a term expiring August 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

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

April 4, 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:

Beverly A. Blais of Coventry

VICE
Stuart B. Giannini

for a term expiring March 1, 2010.

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.

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Alves, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Finance, to the Committee on Education:

Appointment of J. Michael Costello of Providence to the Rhode Island Higher Education Assistance Authority for a term expiring July 1, 2011.

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 measure:

Senate Bill No. 237 (Business Regulation)

BY Senator Breene

ENTITLED, AN ACT RELATING TO SPORTS, RACING, AND ATHLETICS (define division of racing and athletics as it relates to the division of commercial licensing and racing and athletics)
{LC1120/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON CONSTITUTIONAL AND REGULATORY ISSUES

Senator Goodwin, from the Committee on Constitutional and Regulatory Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 308

BY Senators Felag, Tassoni, Badeau, Lanzi, Gallo

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (permit the registrar of motor vehicles to issue veterans' plates to eligible motorcycles)
{LC1629/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 531

BY Senators Ruggerio, Ciccone, McCaffrey, Alves, DaPonte

ENTITLED, AN ACT RELATING TO RETAIL LICENSES - ALCOHOLIC BEVERAGES (allow any licensee who holds both a Class P and Class B license to purchase alcoholic beverages at wholesale)

Read and ordered to be placed on the Calendar

Also:

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 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. 161

BY Senators Ciccone, Tassoni, Badeau, DaPonte, McCaffrey

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS – EMPLOYMENT SECURITY – BENEFITS (eliminate Social Security benefits from being considered as “disqualifying income” in the determination of individual eligibility for unemployment benefits)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 577 as amended

BY Senators Fogarty P, Goodwin, Gallo, Perry, Connors

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS – STATE PURCHASES (require state departments and each governmental body to prepare an annual report identifying all outside legal services) {LC2078/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 620**BY** Senators Doyle, Tassoni, Ruggerio, Montalbano J**ENTITLED**, AN ACT RELATING TO TAXATION -- EXEMPTING FOR ARTISTIC COMMUNITIES (recognize sections of the city of Pawtucket as an arts district exempt from taxation) {LC2229/1}

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:

Senate Bill No. 873**BY** Senator Lenihan**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Kara and Michael Bleier to join Amy Elizabeth Radtke and Paul Joseph Bovenzi in marriage) {LC2449/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 890**BY** Senator Lenihan**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2653/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5053**BY** Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (join Elizabeth May McEleney and Michael Newton)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5075**BY** Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Adam Freedman and Lucia Couto)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5076

BY Mumford, Gorham, Watson, Loughlin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Jacqueline McLaughlin and David L. Colicci)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5089

BY Jackson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Rachael Aria Omansky and Jonathan Yuhan Chou in marriage)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5128

BY Gablinske, Gallison, Mattiello

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Susan Dallaire Masse and James Leo Archy in marriage)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5148

BY Pacheco

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join RenTe Williams and Jesse Ruprecht)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5149

BY Lally, Shanley, Caprio D

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Kathleen Manning and Philip Shute)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5184

BY Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Katherine Broomfield and Anthony D'Imperio)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5212

BY Rice

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Jae Elizabeth Strommer and Thomas Loring Rowe)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5213

BY Ajello, Handy

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Christopher N. Harrison and Carolyn Murray)

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 measure:

Senate Bill No. 500

BY Senators Ruggerio, Alves, Maselli, McBurney, DaPonte

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION (allow a contractor that loses a bid because a competitor misclassifies employees as independent subcontractors to bring an action for damages against the competitor)

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 438**BY** Senators McCaffrey, McBurney, Jabour, Paiva-Weed**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT (add the state court administrator to the emergency management advisory council)

Read and ordered to be placed on the Calendar

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 ordered to be placed on the Calendar

NEW BUSINESS**Senate Resolution No. 930****BY** Senators Bates, Ruggerio**ENTITLED**, SENATE RESOLUTION HONORING PROFESSOR LEON N. COOPER ON THE 50TH ANNIVERSARY OF HIS BRILLIANT STUDIES ON THE THEORY OF SUPERCONDUCTIVITY

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by Senator Blais.

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

FROM THE DESK**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}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Doyle.

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

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Miller, seconded by Senator Lanzi, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

- 1 Reappointment of George W. Shuster of North Scituate to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.**
- 2 Reappointment of Cheryl Merchant of Lincoln to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.**
- 3 Reappointment of William McGowan (Representing video technicians) of North Kingstown to the Board of Examination and Licensing of Telecommunication Systems Contractors, Technicians, and Installers for a term expiring August 1, 2012.**
- 4 Reappointment of Mario Bueno (Representing Community Based Organization) of Cranston to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**
- 5 Reappointment of Paul MacDonald (Representing Labor) of Harrisville to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**
- 6 Reappointment of William McGowan (Representing Labor) of North Kingstown to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**
- 7 Reappointment of Brandon Melton (Representing Business) of East Greenwich to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**
- 8 Reappointment of Martin Trueb (Representing Business) of East Greenwich to the Rhode Island Human resource Investment Council for a term expiring January 1, 2010.**

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 Sheehan announces that the Committee on Health and Human Services 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 tomorrow, at the rise of the Senate, in Room 313 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

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 Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Moura, the Senate adjourns at 4:30 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR HANNA M. GALLO

We ask, you, Lord, to show us in this chamber our place, define our duties, direct our energies, and guide us as we work. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, APRIL 12, 2007:****1 2007-S 873****BY Lenihan****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

2 2007-S 890**BY Lenihan****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

3 2007-H 5053**BY Mattiello****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE**

Committee on Judiciary recommends passage in concurrence.

4 2007-H 5075**BY Coderre E****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

5 2007-H 5076**BY Mumford****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

6 2007-H 5089**BY Jackson****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

7 2007-H 5128**BY Gablinske****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

8 2007-H 5148**BY Pacheco****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

9 2007-H 5149**BY Lally****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

10 2007-H 5184**BY Fox****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

11 2007-H 5212**BY Rice****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

12 2007-H 5213**BY Ajello****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

GABRIEL REI
Deputy Clerk of the Senate

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 12, 2007:****1 Appointment of Andrew Dzykewicz as the Commissioner of Energy Resources.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this appointment.

2 Reappointment of Ashbel T. Wall, II of Providence as Director of the Department of Corrections..

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

3 2007-S 855

BY Gallo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING BOARDS

Committee on Housing & Municipal Government recommends passage.

IN ORDER FOR TUESDAY, APRIL 24, 2007:**1 2007-S 495**

BY Badeau

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

Committee on Labor recommends passage.

2 2007-S 161

BY Ciccone

**ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
EMPLOYMENT SECURITY - BENEFITS**

Committee on Finance recommends passage.

3 2007-S 577 as amended

BY Fogarty P

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES**

Committee on Finance recommends passage as amended.

4 2007-S 620

BY Doyle

ENTITLED, AN ACT RELATING TO TAXATION -- EXEMPTING FOR
ARTISTIC COMMUNITIES

Committee on Finance recommends passage.

5 2007-S 438

BY McCaffrey

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -
EMERGENCY MANAGEMENT

Committee on Government Oversight recommends passage.

6 2007-S 905

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Government Oversight recommends passage.

7 2007-S 500

BY Ruggerio

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION

Committee on Labor recommends passage.

GABRIEL REI
Deputy Clerk of the Senate