

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.34

Tuesday, April 24, 2007

Thirty-fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:18 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, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Doyle and Metts.

INVOCATION

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

(See Appendix for 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.

APPROVAL OF RECORD

The Senate Journal of the Thirty-third Legislative Day of the 2007 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communication:

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

April 24, 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, April 24, 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.

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 Judiciary:

Senate Bill No. 678

BY Senators Perry, Goodwin, Sosnowski, Paiva-Weed, Gallo

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT (delete the exception of a spouse from the definition of the accused in first degree sexual assault on a mentally incapacitated, disabled or physically helpless person)

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES**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 measure:

Appointment of Gerald S. Aubin of Narragansett as Director of the Division of State Lottery.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Bates, Moura, McBurney, Tassoni, Ciccone, Sheehan, Algieri, Fogarty and many others.

The appointment 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 and 1 Senator abstaining 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, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Paiva Weed

GUESTS

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber newly appointed Director of the Division of State Lottery, Gerald S. Aubin, along with his wife Carroll Aubin, and his daughters Jodi and Kylie Aubin.

NEW BUSINESS

Senate Bill No. 934

BY Senator Alves

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

(For West Warwick residents; provide tax exemptions for veterans and visually impaired, revise the tax exemptions for residents over the age of 65 and the tax rate freeze for elderly persons) {LC2876/1}

04/24/2007 Introduced, referred to Senate Finance

Senate Resolution No. 935**BY** Senator McCaffrey**ENTITLED**, SENATE RESOLUTION CONGRATULATING TONY PETRARCA ON TWENTY YEARS OF WEATHER FORECASTING AT WPRI-TV {LC2849/1}

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 Resolution No. 936**BY** Senators Gallo, Issa**ENTITLED**, SENATE RESOLUTION PROCLAIMING APRIL 24, 2007 AS "ARMENIAN GENOCIDE REMEMBRANCE DAY" TO COMMEMORATE THE ARMENIAN GENOCIDE OF 1915 TO 1923 AND IN HONOR OF ARMENIAN-AMERICANS {LC2942/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 937**BY** Senator Walaska**ENTITLED**, SENATE RESOLUTION HONORING DR. ROBERT D. ATKINSON {LC2945/1}

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 938**BY** Senators Montalbano J, Connors, Paiva-Weed, Algiere, Walaska**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE UNTIMELY PASSING OF DANIEL P. O'NEIL {LC2933/1}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

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

- 1 Reappointment of Anthony J. Marouchoc of Portsmouth to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1 2010.**
- 2 Reappointment of Karin L. Forbes of North Kingstown to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2010.**
- 3 Reappointment of Patrick Guida of Barrington to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2010.**
- 4 Reappointment of John Treat of Barrington to the State Investment Commission for a term expiring March 1, 2010.**
- 5 2007-S 360
BY Gibbs
ENTITLED, JOINT RESOLUTION AMENDING THE JOINT RESOLUTION CREATING A PERMANENT LEGISLATIVE COMMISSION ON CHILD CARE IN RHODE ISLAND**
- 6 2007-S 363
BY DaPonte
ENTITLED, SENATE RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO FULFILL ITS COMMITMENT OF FORTY PERCENT (40%) FEDERAL FUNDING IN ITS REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20 U.S.C. 1400 ET SEQ.)**

CALENDAR

Upon suggestion of Senator Ruggerio, and without objection, the calendar for today is deferred to Tuesday, May 1, 2007.

Upon suggestion of Senator Ruggerio, and without objection, (S-161) from Wednesday's Calendar is placed before the body.

1 2007-S 161**BY Ciccone****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
EMPLOYMENT SECURITY - BENEFITS**

Committee on Finance recommends passage.

Senator Ciccone moves passage, seconded by Senators Moura, Pichardo, Lenihan, Gibbs, Bates, Algieri, Paiva Weed, Ruggerio, Alves, McBurney, Gallo, Felag, Jabour, Sheehan, and many others.

Senators Blais, Ciccone, Paiva Weed and Issa discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

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

Senator Issa announces that the Committee on Education will meet tomorrow, at the rise of the Senate, 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 Tassoni 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 Ciccone announces that the Committee on Labor will meet tomorrow, at 2:30 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Connors, the Senate adjourns at 4:46 o'clock P.M. in memory of Daniel P. O'Neil of Lincoln, who's young life was taken much too soon.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR LEONIDAS P. RAPTAKIS

Dear God, keep alive our faith in You as we endeavor to perform our duties in order to ensure a better state of Rhode Island. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 25, 2007:**

- 1 Appointment of Perry R. Clough of Barrington VICE Christine Curley to the Rhode Island Housing and Mortgage Finance Corporation for a term to expire July 1, 2009.**

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

- 2 Appointment of John A. Pagliarini, Jr. of West Greenwich to the State Properties Committee for a term expiring March 1, 2010.**

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

- 3 Appointment of Robert R. Gaudreau, Jr. of Cranston VICE Jeff Britt to the State Investment Commission for a term expiring March 1, 2008.**

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

- 4 Reappointment of Saul Kaplan of Providence VICE Michael McMahon to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**

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

- 5 Appointment of Kimball Hall of East Greenwich VICE Barbara Jackson to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.**

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

- 6 Appointment of Dr. Brenda Dann-Messier of East Greenwich to the Rhode Island Higher Education Assistance Authority for a term expiring July 1, 2011.**

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

7 Appointment of Solomon A. Solomon of East Providence to the Rhode Island Higher Education Assistance Authority for a term expiring July 1, 2011.

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

8 2007-S 134 SUB A

BY Cote

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

9 2007-S 181

BY Issa

ENTITLED, AN ACT RELATING TO THE PAWTUCKET WATER SUPPLY BOARD

Committee on Housing & Municipal Government recommends passage.

10 2007-S 260

BY Levesque C

ENTITLED, AN ACT AUTHORIZING THE TOWN OF PORTSMOUTH TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES IN AN AMOUNT NOT TO EXCEED \$3,000,000 TO FINANCE THE ACQUISITION AND INSTALLATION OF A WIND TURBINE AT PORTSMOUTH HIGH SCHOOL AND/OR A WIND TURBINE AT PORTSMOUTH MIDDLE SCHOOL

Committee on Housing & Municipal Government recommends passage.

11 2007-S 261 SUB A

BY Fogarty P

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - PASCOAG UTILITY DISTRICT

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

12 2007-S 666 SUB A as amended

BY Algieri

ENTITLED, AN ACT RELATING TO INCORPORATION OF THE DUNN'S CORNERS FIRE DISTRICT

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A as amended.

13 2007-S 20**BY Raptakis****ENTITLED,** AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Committee on Judiciary recommends passage.

14 2007-S 121**BY McBurney****ENTITLED,** AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES AND CONVENTIONS

Committee on Judiciary recommends passage.

15 2007-S 189**BY Felag****ENTITLED,** AN ACT RELATING TO ELECTIONS - LOCAL CANVASSING AUTHORITY

Committee on Judiciary recommends passage.

16 2007-S 196**BY Blais****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Judiciary recommends passage.

17 2007-S 725**BY Ruggerio****ENTITLED,** AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

Committee on Judiciary recommends passage.

18 2007-S 740 SUB A**BY Raptakis****ENTITLED,** AN ACT RELATING TO ELECTIONS - PRIMARY ELECTIONS

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

19 2007-S 760**BY Goodwin****ENTITLED,** AN ACT RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT CANDIDATES

Committee on Judiciary recommends passage.

20 2007-S 506**BY Ruggerio****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
MEDIATION

Committee on Labor recommends passage.

21 2007-S 507**BY Ruggerio****ENTITLED,** AN ACT RELATING TO LABOR -- HOISTING ENGINEERS

Committee on Labor recommends passage.

22 2007-H 5013**BY Shanley****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF SOUTH KINGSTOWN

Committee on Housing & Municipal Government recommends passage in concurrence.

23 2007-H 5189**BY Walsh****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO
FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN
CONSISTENT WITH THE APPROVED CHARLESTOWN
AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE
THAN \$1,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Housing & Municipal Government recommends passage in concurrence.

IN ORDER FOR TUESDAY, MAY 1, 2007:**1 2007-S 237****BY Breene****ENTITLED,** AN ACT RELATING TO SPORTS, RACING, AND ATHLETICS

Committee on Corporations recommends passage.

2 2007-S 308**BY Felag****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Constitutional & Regulatory Issues recommends passage.

3 2007-S 438**BY McCaffrey****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -
EMERGENCY MANAGEMENT

Committee on Government Oversight recommends passage.

4 2007-S 495**BY Badeau****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -
BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

5 2007-S 500**BY Ruggiero****ENTITLED,** AN ACT RELATING TO CAUSES OF ACTION

Committee on Labor recommends passage.

6 2007-S 531**BY Ruggiero****ENTITLED,** AN ACT RELATING TO RETAIL LICENSES - ALCOHOLIC
BEVERAGES

Committee on Constitutional & Regulatory Issues recommends passage.

7 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.

8 2007-S 620**BY Doyle****ENTITLED,** AN ACT RELATING TO TAXATION -- EXEMPTING FOR
ARTISTIC COMMUNITIES

Committee on Finance recommends passage.

9 2007-S 898**BY Sheehan****ENTITLED,** AN ACT RELATING TO GENERAL ASSEMBLY - - RENAMING
THE NORTH WOODS RESIDENCE A

Committee on Constitutional & Regulatory Issues recommends passage.

10 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.

RAYMOND T. HOYAS, JR.
Secretary of the Senate