

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 first day of January in the year of Our Lord two thousand and eight.

Volume 135, No. 7

Wednesday, January 16, 2008

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 4:15 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 Tassoni, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senators Fogarty, Blais and Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber the Ponaganset Chieftains, 2007 Division III State Champions, players, Craig Stockwell, Derek Rogala, Nick Keeling, Sean Parish, Caleb Gelsomino, Colby Clarke, Jordan Ferretti, Jacob Kravitz, Zach Mason, Josh Morgan, Larry Colaluca, Colin Cunniff, Brad Waterman, Jarvis Ramey, Peter Sheffield, Corey Costa, Garret Drainville, Joe Fogarty, Donte Dermanouelian, George Bissell, Russell Morin, Brendan Fogarty, Marc Gelsomino, Craig Silva, Devon Paquin, Steve Kitson, Matthew Greenhalgh, Tom Tetzner, Robert Prando, Steve Chella, Vincent

Gordon, Wyatt Huston, Michael Fogarty, Mark Misto, John Greenhalgh, Michael Kitson, Milton Whitaker, Dylan Longwill, David Santos, Jacob Fraatz, Phillip Colasante, Anthony Lemieux, Matthew Guedes, Joe Parrish, Brain Luther, Christopher Pedchenko, Corey Irace, Ethan Babcock, Adam Babcock, Daniel Fogarty, Max Goto, head coach, Thomas Marcello, assistant coaches, Troy Lambert Nathan Seoane, Brain Gendreau, and volunteer coaches, John Greenhalgh, Steve Suvajian and David Armstrong.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following reappointment to the Library Board of Rhode Island:

Phyllis A. Humphrey of Saunderstown
(Representing Librarian/School Libraries)

for a term expiring December 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

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

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

Bart Hollingsworth of Foster
(General Public/Library User)

VICE
Alice Barrows

for a term expiring December 31, 2009.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

Thomas W. Viall of Riverside
(General Public/Library User)

VICE
Jay Litman

for a term expiring December 31, 2009.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

Edward A. Garcia, Jr. of Cranston
(Representing the Economically Disadvantaged)

VICE
Christina Amedeo

for a term expiring December 31, 2008.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

Mary Ann Slocomb of Cranston
(Librarian/Corporate-Special Libraries)

VICE
Tovah Reis

for a term expiring December 31, 2010.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-12.2-3 of the Rhode Island General Laws, I have made the following reappointment to the Clean Water Finance Agency:

James Hagerty of Warwick

for a term to expire March 1, 2009.

To this reappointment, I respectfully 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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

Cynthia Fagan of Coventry
(Representing Planning Board Member – over 25,000 in population)

for a term expiring January 1, 2011.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

The Honorable Isadore S. Ramos of East Providence
(Municipal Alternate)

for a term expiring January 1, 2011.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

Stephen P. Ostiguy of Newport
(Affordable Housing Developer)

for a term expiring January 1, 2011.

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

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

M. Theresa Santos of Middletown
(Representing Town Council - under 25,000 in population)

for a term expiring January 1, 2011

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

Mary B. Shekarchi, Esquire of Warwick
(Attorney knowledgeable in land use regulation)

for a term expiring January 1, 2011.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

Donald Goodrich of Narragansett
(Representing Zoning Official - under 25,000 in population)

for a term expiring January 1, 2011.

To this reappointment, I 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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following reappointment to the State Housing Appeals Board:

Charles Maynard of East Greenwich
(Representing affordable housing advocates)

for a term expiring January 1, 2011.

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**

January 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following appointment to the Quonset Development Corporation:

John G. Laramee of Newport

VICE
David Doern
(resigned)

for a term to expire January 1, 2011.

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

Sincerely,



Donald L. Carcieri Governor

Read and referred to the Committee on Corporations.

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 7150

BY Fox, Gorham

ENTITLED, JOINT RESOLUTION INVITING HIS HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF RECEIVING THE STATE OF THE STATE ADDRESS OF HIS EXCELLENCY THE GOVERNOR

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Algieri.

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

Also:

House Bill No. 7089

BY Watson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Donald L. Carcieri to join Catherine Zadorozny and Stephen J. Zuba)

Read and ordered to be placed on the Senate Consent Calendar

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

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

Nomination of Gary S. Sasse (appointment) of East Greenwich VICE Beverly Najarian (Interim Director) as Director of the Department of Revenue

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator 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 2008-H 7016

BY Melo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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 Paiva Weed announces that the Senate will meet on Tuesday January 22, 2008, at 4:30 o'clock P.M..

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri the Senate adjourns at 4:29 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR JOHN J. TASSONI**

Heavenly Father, Help us to know what to do and carry it out without fear or hesitation. Let us fear nothing except to be faithless to you while avoiding bitterness, defensiveness, or retaliation. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 22, 2008:

1 2008-S 2092

BY Perry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar

2 2008-H 7089

BY Watson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 22, 2008:

1 2008-H 7006 SUB A

BY Costantino

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS**

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

IN ORDER FOR WEDNESDAY, JANUARY 23, 2008:

1 Nomination of Gary S. Sasse (appointment) of East Greenwich VICE Beverly Najarian (Interim Director) as Director of the Department of Revenue .

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate