

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.13

Wednesday, February 6, 2008

Thirteenth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:23 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 0 Senators absent as follows:

PRESENT – 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.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Eleventh and Twelfth Legislative Day's of the 2008 proceedings are read in part.

Upon suggestion of Senator Algieri, and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Marissa Ricci of Northeastern University, who will be serving as a intern this year.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Bienvenido Carlos Tolentino Vice Consul – Dominican Republic Consulate, Francisco Cabrera, Director of Public Relations to the Dominican Republic, Bienvenido Fereras, Director of Contacto TV and Stephen Benza.

Upon suggestion of Senators Metts and Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Mary Sylvia Harrison, Executive Director the College Crusade.

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President, welcomes to the Chamber Samuel Budway of Johnston, a junior at URI, who will be serving as an intern this year.

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable Antonio Pires of Pawtucket, former State Representative.

NOW PRESIDING

The Honorable Joseph A Montalbano, President of the Senate, yields the rostrum to the Honorable, Daniel P. Connors, Deputy President Pro Tempore, at 4:30 o'clock P.M.

COMMUNICATION

The Honorable President presents the following communication:

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

February 6, 2008

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the February 19, 2007 appointment of Beverly Najarian as the Director of the Department of Administration.

Sincerely,



Donald L. Carcieri
Governor

Read and ordered to be placed on file.

**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. 2028

BY Senators Sheehan, Connors, Levesque C

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Katherine Anne Robertson and Ethan Frederick French)

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2083

BY Senators Felag, Levesque C, Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Alayne White to join Sara Jean Faria and Justin Bernard Walsh)

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Bill No. 2210

BY Senators Tassoni, Doyle, McBurney

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE (regulate direct sales of puppies to the public in order to prevent mass production and distribution thereof) {LC1170/1}

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

Also:

Senate Bill No. 2211

BY Senators Perry, Tassoni, Sosnowski, Connors, Alves

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- EMERGENCY MANAGEMENT (provide that the Rhode Island emergency management agency would institute and manage an animal emergency management plan)

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

Also:

Senate Bill No. 2212**BY** Senators Perry, Sosnowski, Tassoni, Connors**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS

(provide guidelines and penalties for any person that keeps a dog outside tethered, penned, caged, fenced or otherwise confined without adequate shelter from the elements)

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

Also:

Senate Bill No. 2213**BY** Senators Sosnowski, Breene, Gibbs, Fogarty P, Sheehan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (add public members to the agricultural lands preservation commission) {LC1232/1}

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2214**BY** Senators Miller, Metts, Moura**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE (prohibit the taking, killing, destroying, pursuing or molesting of any wild bird along the west shore of the Providence River from Gaspee Point to Fields Point)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2215**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO AN AMENDMENT OF AN ACT PASSED BY THE GENERAL ASSEMBLY AT ITS FEBRUARY SESSION, 1814, ENTITLED "AN ACT TO INCORPORATE JOHN S. DEXTER, DANIEL LYMAN, SAMUEL SNOW, AND OTHERS, INTO A SOCIETY BY THE NAME OF THE SOCIETY OF CINCINNATI IN THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS" AND OF ALL ACTS IN AMENDMENTS THEREOF

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2216**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO SALES AND USE TAX -- COMMERCIAL VEHICLES

(expand the number of motor vehicles eligible to receive trade in credit for sales tax purposes when a motor vehicle is purchased with the benefit of a trade in)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2217

BY Senators McBurney, Jabour

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION (provide that wills and trust executed prior to September 12, 1981 that contain marital deductions formula clauses shall be constructed and interpreted in a manner that would provide for the optimum federal estate tax marital deduction) {LC1278/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2218

BY Senators Perry, Levesque C, Pichardo, Moura, Miller

ENTITLED, AN ACT RELATING TO TAXATION -- TAX CREDITS FOR CONTRIBUTIONS TO SCHOLARSHIP ORGANIZATIONS (provide that contributions to a qualified public education partnership fund would be eligible for a tax credit similar to the credit for contributions to a qualified scholarship organization, pursuant to the provisions of chapter 44-62) {LC1315/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2219

BY Senators Perry, Miller, Pichardo, Moura, Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998 (give the RI Housing Resources Commission the power to administer the supportive services program which aids in the prevention of homelessness/appropriate \$500,000 in fiscal year 2009 to carry out this provision of this act) {LC1352/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2220

BY Senators Pichardo, Perry, Ciccone, Metts, Miller

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAL ASSISTANCE (provide health insurance coverage to U.S. permanent resident children and parents/also provide benefits to children ineligible for federal medical assistance due to citizenship or alienage requirements)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2221**BY** Senators Perry, Gallo**ENTITLED**, AN ACT RELATING TO TAXATION (repeal the chapter that imposes a surcharge on outpatient health care facilities/also repeal the chapter that imposes a surcharge on imaging providers) {LC1342/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 2222 (Lieutenant Governor)**BY** Senators Tassoni, Perry, Paiva-Weed, Montalbano J**ENTITLED**, JOINT RESOLUTION CREATING A JOINT TASK FORCE TO STUDY ALL ASPECTS OF HEALTH CARE REFORM RELATING TO THE HEALTHY RHODE ISLAND REFORM ACT OF 2008 - PART VIII {LC1361/1}

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2223**BY** Senators Perry, Miller, Levesque C, Paiva-Weed, Gibbs**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM (require the department of human services to implement a model system for integrated long-term care that expands the capacity of the long-term care system as a whole to support consumer choice and independence)

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2224**BY** Senators Tassoni, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (define a mobile health screening vehicle and would provide that such vehicles would be deemed to be health care facilities) {LC1195/1}

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2225**BY** Senators Miller, Pichardo, Levesque C, Perry, Issa**ENTITLED**, AN ACT RELATING TO INSURANCE - HEALTH INSURANCE COVERAGE FOR DEPENDENTS (health care coverage terminating for a dependent at a specified age give the insured the opportunity to continue coverage/he or she is under age thirty/no dependents of his or her own provided an additional premium may be charged)

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 2226

BY Senators Connors, DaPonte, Ruggerio, Moura, McCaffrey

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES (provide that a developer would not be required to improve an existing road bordering a development once the road has been accepted by the municipality) {LC1288/1}

Read and referred to the Senate Committee on Housing and Municipal Government

Also:

Senate Bill No. 2227

BY Senators Gibbs, Bates, Blais, Breene

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED HOMES (institute procedural safeguards for owners of mobile homes who want, or must, sell or move their homes)

Read and referred to the Senate Committee on Housing and Municipal Government

Also:

Senate Bill No. 2228

BY Senators Doyle, Tassoni, McBurney, Connors, Maselli

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- CAUSES OF ACTION (no person who gratuitously renders emergency assistance in the nature of cardiopulmonary resuscitation or automated external defibrillation to a person/liable for civil damages for any personal injuries which result from acts) {LC1438/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2229

BY Senators Jabour, Maselli, Tassoni, McBurney, McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- CAUSES OF ACTION (allow a surety to be sued for bad faith refusal to pay a claim made under any surety bond or otherwise refusing to timely perform its obligation and would allow compensatory, punitive damages and attorneys' fees and costs of suit) {LC1271/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2230

BY Senators Perry, Metts, Pichardo, Levesque C, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COMPREHENSIVE RACIAL PREVENTION PROFILING ACT OF 2008 (amend the law banning racial profiling in traffic

stops by state/municipal law enforcement agencies by fine tuning the system/law enforcement agencies collect data/complete regular reports of findings and statistics regarding traffic stops)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2231

BY Senators McBurney, Jabour

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- CLAIMS

(establish past and future child support obligations as a debt of the estate of a decedent due preferentially after the payment of taxes) {LC1304/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2232

BY Senators Metts, Issa, Pichardo, Jabour, Levesque C

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED

SUBSTANCES ACT (reduce the minimum sentences for crimes involving controlled substances)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2233

BY Senators Jabour, Maselli, Tassoni, McBurney, McCaffrey

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PROBATE

COURT (require the names and addresses of named beneficiaries who are not heirs at law to be included in petitions for the allowance of a will) {LC1273/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2234

BY Senators Metts, Pichardo, Levesque C, Issa, Goodwin

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- WARRANTS FOR ARREST

(amend the procedures for collection of fines, fees, costs, assessments and restitution in criminal cases/set a priority of payments/set forth a procedure for standardizing a determination of a defendant's ability to pay)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2235**BY** Senators McBurney, Jabour**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- LEVY AND SALE ON EXECUTION (increase the amount of the homestead exemption protected from attachment from three hundred thousand dollars (\$300,000) to five hundred thousand dollars (\$500,000) {LC1281/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2236**BY** Senators Doyle, Tassoni, McBurney, Connors**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS (assault on youth sports official/participant a felony punishable by up to 3 years prison/\$1500 fine or both/harassment of a youth sports official/participant a misdemeanor punishable by up to 30 days in jail and a \$500 fine or both) {LC1367/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2237**BY** Senators Pichardo, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - IMMIGRANT ASSISTANCE IN CRIME FIGHTING (establish the Immigrant Assistance in Crime Fighting Act to promote safety and health of all residents/immigrants will report violations of state and local law)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2238**BY** Senators Metts, Issa, Pichardo, Jabour, Levesque C**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS (allow judges the discretion to expunge felony record of an individual eligible after 5 years from the completion of their sentence/one or more extraordinary circumstances exist as defined and the judge makes a finding on the record)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2239**BY** Senator Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow The Honorable Murry B. Cohen to join Shayna Meredith Cohen and James Peter Verinis) {LC1321/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2240

BY Senators Gibbs, Levesque C, Perry, Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTHCARE FOR CHILDREN AND PREGNANT WOMEN (provide funding, under the RIté Start Program, for abortions necessary to preserve the life of the mother, or in the case of pregnancies resulting in rape or incest)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2241

BY Senators McBurney, Jabour

ENTITLED, AN ACT RELATING TO FIDUCIARIES - POWERS OF FIDUCIARIES (increase the maximum value of a trust which may be terminated from \$100,000 to \$200,000) {LC1307/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2242

BY Senators Perry, Sosnowski, Connors, Tassoni, Miller

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (permit the district court or the family court, in instances where domestic violence is alleged, to include in any orders provisions for the care, custody and control of any domestic companion animal)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2243

BY Senators Metts, Issa, Pichardo, Jabour

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (increase from \$50,000 to \$200,000 the amount of certain public works contracts requiring contractors to give bond)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2244

BY Senator Metts

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- THE OPEN CONTRACTING ACT (prohibit certain contract specifications issued by public bodies soliciting bids on public works projects) {LC1267/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 2245

BY Senators Fogarty P, Jabour, Tassoni, Gallo, Lanzi

ENTITLED, SENATE RESOLUTION HONORING ANN LYNCH, CAPTAIN STEPHEN LYNCH, CAPTAIN JOSEPH MATTERA AND PATROLMAN MICHAEL HOPTON FOR THEIR UNSELFISH HEROISM {LC1089/1}

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 and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber State Police Detective Commander Captain Stephen Lynch, and his wife Ann Lynch, Gloucester Police Captain Joseph Mattera of Gloucester Police Department and his wife Christine Mattera and Patrolman Michael Hopton of the Gloucester Police Department and his wife Debra Hopton.

NEW BUSINESS

Senate Resolution No. 2246

BY Senators Montalbano J, Paiva-Weed, Connors, Jabour, Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE UNTIMELY PASSING OF JEFFREY ROBERT BOISSELLE {LC1590/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable Deputy President Pro Tempore, welcomes to the Chamber Lennette Boisselle, Robert Boisselle and Sarah Boisselle.

NEW BUSINESS

Senate Resolution No. 2247

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

ENTITLED, SENATE RESOLUTION PROCLAIMING FEBRUARY 1, 2008 TO BE "GO RED FOR WOMEN" DAY IN THE STATE OF RHODE ISLAND

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Paiva Weed, Lanzi, Perry, Goodwin, Gibbs and Sosnowski.

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

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 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 Paiva Weed, seconded by Senator Algieri and upon suggestion of Senator DaPonte, the Senate adjourns at 4:45 o'clock P.M. in memory of Jeffrey Robert Boisselle.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR DENNIS L. ALGIERE**

Dear Lord, as we acknowledge your presence on this Ash Wednesday, please bestow your special blessings on all of us assembled in this Chamber. We ask for your guidance in serving those who have elected us to the best of our ability. Amen

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 7, 2008:

1 2008-S 2028

BY Sheehan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2008-S 2083

BY Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate