

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.36

Thursday, April 10, 2008

Thirty-sixth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 0 Senator 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 Goodwin, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-fourth Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Walaska and McBurney and by unanimous consent, the Honorable President, welcomes to the Chamber former State Senator, Robert T. Kells.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8016 SUB A

BY Fox, Murphy, McCauley, Coderre E, Slater

ENTITLED, AN ACT RELATING TO TAXATION -- HISTORIC STRUCTURES -- TAX CREDITS

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senators Levesque and Breene.

The act is read and passed, upon a roll call vote with 30 Senators voting in the affirmative and 2 Senators voting in the negative and 3 Senators abstaining as follows:

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Breene, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Ciccone, Moura

ABGSTAINED- 3: Senators Algieri, Lanzi, Paiva Weed.

NEW BUSINESS**Senate Resolution No. 2949**

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION CONGRATULATING SERGEANT WILLIAM J. PIVA, JR. ON HIS RETIREMENT FROM THE JAMESTOWN POLICE DEPARTMENT

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Alves and Levesque.

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

CALENDAR**IN ORDER FOR THURSDAY, APRIL 10, 2008:****1 2008-S 2009 SUB A****BY Moura****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Goodwin, seconded by Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Wednesday, April 23, 2008.

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 Tassoni announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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.

RECESS

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Raptakis, the Senate stands at recess at 4:35 o'clock P.M. in memory of Joseph A. Fogarty from Coventry.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, April 22, 2008, at 4:10 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7316**BY** Vaudreuil**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

(authorize the Cumberland town council to issue full and limited class B licenses/holder of the license would not be permitted to transfer to another party, nor would the license holder be permitted to change the location of the licensed establishment) {LC1072/1}

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

Also:

House Bill No. 7906 SUB A**BY** Fox

ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION (make technical adjustments to various statutes as recommended by the Law Revision Office of the Joint Committee on Legislative Services) {LC1091/1/A}

Received and referred to the Senate Committee on Judiciary.

**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. 2880**BY** Senator Goodwin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2564/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2897**BY** Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Lt. William Fitzgerald to join Jane Fitzgerald and Christopher Eyre in marriage within the City of Newport, Rhode Island on or about August 31, 2008) {LC2606/1}

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Perry, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2865**BY** Senators Ruggerio, Goodwin, Doyle, Pichardo**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- DONATED FOOD (would permit charitable organizations to donate prepared food not consumed on the premises to the needy) {LC2400/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2672 SUB A**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PHARMACIES (would eliminate term limits for members appointed to the state board of pharmacy) {LC1684/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2688 (Children, Youth and Families)**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS - MENTAL HEALTH LAW (authorize a psychiatric hospital to share confidential healthcare info of a child in their care with the dept of children, youth and families for ensuring effective discharge planning) {LC1727/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2483 (Health)**BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF STATE MEDICAL EXAMINERS (would clarify the statute to bring into compliance with accepted standards of practice of forensic medicine as defined by the national association of medical examiners) {LC1759/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2680**BY** Senators Miller, Perry, Bates, Gibbs, Levesque C**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT (allow small employer carriers to use employer group size as a rating factor) {LC1975/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2693 SUB A as amended

BY Senators Perry, Tassoni, Moura, Pichardo, Sosnowski

ENTITLED, AN ACT RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT (make various changes to the medical marijuana act, including the creation and regulation of compassion centers to aid qualifying patients and their registered primary caregivers with respect to this act) {LC1455/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2404 (Business Regulation)

BY Senator Blais

ENTITLED, AN ACT RELATING TO INSURANCE -- LONG TERM CARE INSURANCE (require the filing of an annual actuarial opinion by all domestic property and casualty insurers) {LC1779/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2284 (Lieutenant Governor)

BY Senators Paiva-Weed, Algiere, Perry, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM -- MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN HEALTH CARE FACILITIES (add the occurrence of pressure ulcers to the list of subjects on which the health care quality steering committee shall advise)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2190

BY Senators Perry, Goodwin, McCaffrey, Algiere, Connors

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ASSISTED HOUSING LIVING WAIVER (allow assisted living facilities to be eligible through certification by the department of human services or the department of elderly affairs) {LC1169/1}

Read and ordered to be placed on the Calendar

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 ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 2950**BY** Senators Doyle, Tassoni, DaPonte**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC2693/1}

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

Also:

Senate Resolution No. 2951**BY** Senators Raptakis, Levesque C, McCaffrey, Maselli, Blais**ENTITLED**, SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO AUTHORIZE AIRLINE PASSENGERS RIGHTS LEGISLATION {LC2689/1}

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

Also:

Senate Resolution No. 2952**BY** Senators Perry, Goodwin, Doyle, Tassoni, Alves**ENTITLED**, JOINT RESOLUTION IN SUPPORT OF A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 2010 {LC2697/1}

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

Also:

Senate Bill No. 2953**BY** Senators Pichardo, Metts, Miller, Jabour**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC2732/1}

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

Also:

Senate Bill No. 2954**BY** Senators Goodwin, Raptakis**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC2650/1}

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

Also:

Senate Resolution No. 2955**BY** Senators Doyle, Issa, Tassoni, Connors, Bates**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE PROJECTED NURSING SHORTAGE IN THE STATE OF RHODE ISLAND {LC2708/1}

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

Also:

Senate Bill No. 2956**BY** Senators Sosnowski, Breene, Tassoni, Perry, Levesque C**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- HORSE RIDING SCHOOLS ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE {LC2726/1}

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2957**BY** Senators Levesque C, Bates, Felag**ENTITLED**, AN ACT RELATING TO AIR POLLUTION - WOOD BOILERS {LC2692/1}

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2958**BY** Senators Metts, Pichardo, Jabour, Goodwin, Miller**ENTITLED**, AN ACT RELATING TO TAXATION {LC2712/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2959**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO TAXATION -- MUNICIPAL DEBT COLLECTION {LC2762/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2960**BY** Senators Levesque C, Perry**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC2713/1}

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

Also:

Senate Bill No. 2961

BY Senator Issa

ENTITLED, AN ACT RELATING TO THE 10A VALIDATION AND RATIFICATION OF THE CITY CHARTER OF THE CITY OF CENTRAL FALLS {LC2711/1}

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

Also:

Senate Bill No. 2962

BY Senator Sosnowski

ENTITLED, AN ACT TOWNS AND CITIES -- ORDINANCES {LC2761/1}

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

Also:

Senate Bill No. 2963

BY Senators Lenihan, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS {LC2741/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2964

BY Senators Bates, Felag, Levesque C

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2694/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2965

BY Senator Doyle

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2616/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2966

BY Senators Lenihan, Cote, Sosnowski, Sheehan

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- HEALTH AND EDUCATION BUILDING CORPORATION {LC2413/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2967

BY Senator Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT
AND DISPOSAL OF PROPERTY {LC2700/1}

Read and referred to the Senate Committee on Judiciary

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri the Senate adjourns at 4:11 o'clock P.M
on Tuesday, April 22, 2008.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARYELLEN GOODWIN

Dear Lord, when the day is long and wearisome, the hours tense and tiring, keep the minds and spirits of Thy servants here alert, strong, forgiving and patient. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 23, 2008:

1 2008-S 2880

BY Goodwin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2008-S 2897

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, APRIL 22, 2008:

1 2008-S 2242

BY Perry

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

Committee on Judiciary recommends passage.

2 2008-S 2336

BY McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS

Committee on Judiciary recommends passage.

3 2008-S 2543

BY Connors

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS

Committee on Judiciary recommends passage.

4 2008-S 2115

BY Ruggerio

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
LAND SURVEYORS

Committee on Labor recommends passage.

5 2008-S 2760

BY Algieri

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Committee on Labor recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 23, 2008:

1 2008-S 2009 SUB A

BY Moura

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of
the original bill and passage of Substitute A.

2 2008-S 2190**BY Perry****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
ASSISTED HOUSING LIVING WAIVER

Committee on Health & Human Services recommends passage.

3 2008-S 2223 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - MEDICAL
ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE
REFORM

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

4 2008-S 2284**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM --
MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN
HEALTH CARE FACILITIES

Committee on Health & Human Services recommends passage.

5 2008-S 2404**BY Blais****ENTITLED,** AN ACT RELATING TO INSURANCE -- LONG TERM CARE
INSURANCE

Committee on Health & Human Services recommends passage.

6 2008-S 2483**BY Algieri****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF
STATE MEDICAL EXAMINERS

Committee on Health & Human Services recommends passage.

7 2008-S 2672 SUB A**BY Breene****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
PHARMACIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

8 2008-S 2680**BY Miller****ENTITLED,** AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER
HEALTH INSURANCE AVAILABILITY ACT

Committee on Health & Human Services recommends passage.

9 2008-S 2688**BY Gibbs****ENTITLED,** AN ACT RELATING TO MENTAL HEALTH, RETARDATION,
AND HOSPITALS - MENTAL HEALTH LAW

Committee on Health & Human Services recommends passage.

10 2008-S 2693 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO THE EDWARD O. HAWKINS AND
THOMAS C. SLATER MEDICAL MARIJUANA ACTCommittee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A as amended.**11 2008-S 2865****BY Ruggerio****ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- DONATED FOOD

Committee on Health & Human Services recommends passage.