

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.47

Thursday, May 15, 2008

Forty-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 4:23o'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, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Ciccone, Lenihan.

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.

APPROVAL OF RECORD

The Senate Journal of the Forty-sixth Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President, welcomes to the Chamber Donald Abrams, M.D. Professor of Clinical Medicine, Chief Hematology-Oncology, University of California, San Francisco.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No.. 7863

BY Slater, Diaz, Almeida, Ajello

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES (allow an Internet or computer-based alcohol server training program) {LC2290/1}

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

House Bill No.. 8103

BY Naughton, Murphy, Ferri, Williamson, Lally

ENTITLED, AN ACT RELATING TO NAMING THE NEW KENT COUNTY COURTHOUSE {LC2512/1}

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

House Bill No.. 7113 (Business Regulation)

BY Carter, Gallison, Rose, Malik, Fellela

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- TRAVEL AGENCIES (repeal the licensing of travel agencies)

Received and referred to the Senate Committee on Corporations

House Bill No.. 7487

BY DeSimone, Petrarca

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (add public members to the agricultural lands preservation commission) {LC1233/1}

Received and referred to the Senate Committee on Environment and Agriculture

House Bill No.. 7570 SUB A as amended

BY McNamara

ENTITLED, AN ACT RELATING TO FOOD AND DRUG -- UNIFORM CONTROLLED SUBSTANCES ACT (would void schedule II prescriptions not dispersed with 90 days and schedule III, IV and V within 180 days. It would further eliminate certain monthly supply limits) {LC1253/1/A}

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

House Bill No.. 7493 SUB A as amended (Lieutenant Governor)

BY Ferri, Lewiss, Baldelli-Hunt, Malik, Winfield

ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE MARKET

EXPANSION (establish a regional health insurance market between Rhode Island, Massachusetts and Connecticut) {LC1193/1/A}

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

House Bill No.. 7885 SUB A as amended (Lieutenant Governor)

BY Diaz, Ajello, Williams, Giannini, Slater

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- DEFENSE CIVIL

PREPAREDNESS (raise ex-officio members of RI emergency management council from 19 to

22/director of Providence emergency management agency/executive director of E-911 telephone system, the federal security director of trans security administration for RI) {LC1366/2/A}

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

House Bill No.. 8219 SUB A as amended

BY Shanley

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SIZE, WEIGHT AND

LOAD LIMITS (would restrict single vehicles equipped with more than two (2) axles or any

combination vehicle equipped with more than two (2) axles per unit from operating over or upon the Pawtucket River Bridge or the Sakonnet River Bridge.) {LC2842/1/A}

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

House Bill No.. 7195

BY McCauley

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED

TRAFFIC VIOLATIONS MONITORING SYSTEMS (remove the sunset provision of July 19, 2008

from the Rhode Island Automated Traffic Violations Monitoring Systems Act of 2005)

Received and referred to the Senate Committee on Judiciary

House Bill No.. 7506

BY Mattiello, Vaudreuil, Schadone, Serpa, Gallison

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF

MARRIAGES (empower administrative clerks of the district court to join persons in marriage)

{LC2113/1}

Received and referred to the Senate Committee on Judiciary

House Bill No.. 7106

BY Pacheco, Savage, Lally, Picard, Rice

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (authorize

persons sixteen (16) and seventeen (17) years of age who preregister to vote to automatically be

registered upon reaching age eighteen (18)

Received and referred to the Senate Committee on Judiciary

House Bill No.. 7083

BY McNamara, Kilmartin, Petrarca, Shanley, Lewiss

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EMERGENCY VEHICLES

Received and referred to the Senate Committee on Judiciary

House Bill No.. 8130

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Dana L. Hawkins to join Jennifer Angel Scavello and Brian Robert Mulcahey) {LC2695/1}

Received and referred to the Senate Committee on Judiciary

House Bill No.. 7985 SUB A

BY Jackson, Lewiss, Scott

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - GUARDIANSHIP OF MINORS (repeal provisions for the waiver of a guardian ad litem report when a parent is petitioning for guardianship of a minor or adult child/waiver of surety on the guardian's bond regardless of the value of the ward's estate) {LC2297/1/A}

Received and referred to the Senate Committee on Judiciary

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2008-H 8068**

BY McCauley

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CANNON & BROWN, INC.

2. **2008-H 8097**

BY Naughton

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KATHMANDU, LTD.

3. **2008-H 8107**

BY Lally

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TAU OMEGA CHAPTER OF TAU EPSILON PHI FRATERNITY, INC.

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Perry, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR THURSDAY, MAY 15, 2008:

1. **2008-S 2160 SUB A as amended**

BY Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL
CORD BLOOD BANK ACT

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 22, 2008.

2. **2008-S 2481 SUB A as amended**

BY Levesque C

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH
CARE QUALITY PROGRAM

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

Senator Levesque moves passage, seconded by Senators Perry, Sheehan, Gibbs and Metts.

Senator Perry, seconded by Senators Levesque, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2008 -- S 2481 SUBSTITUTE A AS AMENDED

AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Mr. President:

I hereby move to amend 2008 -- S 2481 SUBSTITUTE A AS AMENDED, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM", as follows:

1. On page 3, line 25, after the acronym "HIPAA" by inserting the following language: "and other applicable law".

Respectfully submitted,
SENATOR PERRY
LC01790/4

The motion to amend prevails 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, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Levesque moves passage of the act, as amended, seconded by Senator Perry.

The act is read and passed, by unanimous consent, as amended, 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, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2008-S 2665

BY Goodwin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DISTRESSED AREAS ECONOMIC REVITALIZATION ACT

Committee on Finance recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the desk.

4. 2008-S 2693 SUB A as amended

BY Perry

ENTITLED, AN ACT RELATING TO THE EDWARD O. HAWKINS AND
THOMAS C. SLATER MEDICAL MARIJUANA ACT

Committee on Health & Human Services recommends indefinite postponement of the

original bill and passage of Substitute A.

Senator Perry moves passage, seconded by Senators Tassoni, Levesque, Goodwin, Paiva Weed, Blais, Miller, Pichardo.

Senator Perry, seconded by Senators Tassoni, Levesque, Goodwin, Paiva Weed, Blais, Miller and Pichardo offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2008 -- S 2693 SUBSTITUTE A

AN ACT RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

Mr. President:

I hereby move to amend 2008 -- S 2693 SUBSTITUTE A, entitled "AN ACT RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT", as follows:

(1) On page 8, line 9, by inserting the word "or" after the semi-colon.

(2) On page 8, by deleting lines 10 and 11 and inserting the following language in lieu thereof:

"(vi) Where the consumption of marijuana for a medical use would adversely affect the health, safety, or welfare of other individuals including, but not limited to, children."

Respectfully submitted,
SENATOR PERRY
LC01455/9

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Blais, seconded by Senator Perry, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2008 -- S 2693 SUBSTITUTE A, As Amended

AN ACT RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

Mr. President:

I hereby move to amend 2008 -- S 2693 SUBSTITUTE A, As Amended entitled "AN ACT RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT", as follows:

(1) On page 4, after line 34 by inserting the following language:

"(6) Written acknowledgement that the use of medical marijuana may disqualify them as a recipient of an organ donation."

Respectfully submitted,
SENATOR BLAIS
LC01455/9

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Perry moves passage of the act, as amended, seconded by Senators Levesque, Sheehan and many others.

Senators Sheehan and Gibbs discuss the act.

The act is read and passed, as amended, upon a roll call vote with 30 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Connors, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Blais, Breene, Cote, Jabour, Picard, Raptakis.

ANNOUNCEMENTS

Senator Felag announces that the Committee on Finance will meet Tuesday, at the rise of the Senate.

Senator Sosnowski announces that the Committee on Government Oversight will meet on Monday, May 19, 2008, at 3:30 o'clock P.M. in the Senate Lounge of the State House.

Senator Doyle 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.

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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri the Senate adjourns at 4:40 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR HANNA M. GALLO

God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference. Amen.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MAY 22, 2008:

1. 2008-S 2160 SUB A as amended

BY Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL
CORD BLOOD BANK ACT

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate