

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. 48

Tuesday, May 20, 2008

Forty-eighth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:12 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, 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, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

APPOINTMENTS

The Honorable President presents the following communication transmitting the following appointments:

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

The Honorable Senate
State House
Providence, RI 02861

Dear Colleagues:

Pursuant to Section 5.2 of the Senate Rules, I am making the following appointment to the Senate Committee on Corporations:

Senate Committee on Corporations
Roger A. Picard

Sincerely,

Joseph A. Montalbano
President of the Senate

Read and ordered to be placed on file.

Also:

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

The Honorable Senate
State House
Providence, RI 02861

Dear Colleagues:

Pursuant to Section 5.2 of the Senate Rules, I am making the following appointment to the Senate Committee on Labor:

Senate Committee on Labor
Roger A. Picard

Sincerely,

Joseph A. Montalbano
President of the Senate

Read and ordered to be placed on file.

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 RHOD ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

May 19, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

Armeather Gibbs of Providence
(Representative of Community Based Organization)

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 Corporations.

Also:

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

May 12, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections:

Richard H. Pierce, Esquire of Cranston

VICE
Roger N. Begin
(resigned)

for a term expiring June 1, 2021.

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 RHOD ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

May 12, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections:

Martin E. Joyce, Jr. of Cumberland

VICE
Raymond Xavier

for a term expiring June 1, 2017.

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 RHOD ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

May 19, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Charles E. Vandemoer of Wakefield

VICE
Sharon Pavignano

(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 Environment and Agriculture.

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 Finance:

Senate Bill No. 2671

BY Senators Raptakis, Maselli, McCaffrey, Walaska, Blais

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (allow public-private partnerships (PPP) which are contractual agreements formed between a public agency and private sector entity that would allow for greater private sector participation in the delivery of transportation projects)

Read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni, from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 3011

BY Senator Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (would authorize the Town of Richmond to enact a noise abatement ordinance and establish the parameters of said ordinance.) {LC2788/1}

Read and ordered to be placed on the Calendar.

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 ordered to be placed on the Calendar.

Also:

Senate Bill No. 2912**BY** Senator Paiva-Weed**ENTITLED**, AN ACT RELATING TO PROPERTY -- ESTATES IN REAL PROPERTY (would provide that the limitation of restrictive covenants would not apply to any covenants and/or restrictions initially created by the Commerce Oil Refining Corporation with respect to land in the town of Jamestown) {LC2613/1}

Read and ordered to be placed on the Calendar.

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 measures:

Senate Bill No. 2096 SUB A**BY** Senators Tassoni, Sosnowski, Fogarty P, Issa**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS {LC745/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2152**BY** Senators Connors, Issa**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) {LC1073/1}

Read and ordered to be placed on the Calendar.

Also:

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

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2954 SUB A

BY Senators Goodwin, Raptakis

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC2650/1/A}

Read and ordered to be placed on the Calendar.

Also:

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}

Read and ordered to be placed on the 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 measures:

Senate Bill No. 2189 SUB A as amended

BY Senators Perry, Sosnowski, Miller, Levesque C, Goodwin

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE OVERSIGHT (specify that reimbursement for professional providers for mental illness coverage shall be comparable to the amount paid for similar medical services) {LC977/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2283 SUB A as amended

BY Senators Perry, Moura, Sosnowski, Gallo, Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - BREASTFEEDING - PROMOTES THE INTERESTS OF MATERNAL AND CHILD HEALTH {LC1477/2/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 3026****BY** Senators Cote, Picard**ENTITLED**, SENATE RESOLUTION CONGRATULATING QUOTA INTERNATIONAL OF WOONSOCKET ON THE OCCASION OF ITS 75TH ANNIVERSARY

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senator Picard and the entire Senate.

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

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 Gallo 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 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 the rise of the Senate, at 3:30 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:24 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WALTER S. FELAG, JR.

Heavenly Father, may we undertake our tasks in the spirit of selfless service and unrestrained devotion. May something of Your gentle ways and sensitivity be implanted in us and expressed in all our actions. 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.

2. 2008-S 2096 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- DOGS

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

3. 2008-S 2152**BY Connors****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage.

4. 2008-S 2950**BY Doyle****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage.

5. 2008-S 2954 SUB A**BY Goodwin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

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

6. 2008-S 2189 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH INSURANCE OVERSIGHT

Committee on Health & Human Services recommends indefinite postponement of the

original bill and passage of Substitute A as amended.

7. **2008-S 2283 SUB A as amended**

BY Perry

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -
BREASTFEEDING - PROMOTES THE INTERESTS OF
MATERNAL AND CHILD HEALTH

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

8. **2008-S 2912**

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY -- ESTATES IN REAL
PROPERTY

Committee on Housing & Municipal Government recommends passage.

9. **2008-S 2961**

BY Issa

ENTITLED, AN ACT RELATING TO THE 10A VALIDATION AND
RATIFICATION OF THE CITY CHARTER OF THE CITY OF
CENTRAL FALLS

Committee on Housing & Municipal Government recommends passage.

10. **2008-S 3011**

BY Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Committee on Housing & Municipal Government recommends passage.

11. **2008-H 7316**

BY Vaudreuil

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.