

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.64

Thursday, June 26, 2008

Sixty-fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 5:27 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 4: Senators Breene, Levesque, Perry, Revens.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Sixty-third Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Representative John J. McCauley and Margaret McCauley.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8312 SUB A**BY** Brien, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO TAXATION - CIGARETTE TAX {LC2951/2/A}

Received and referred to the Senate Committee on Finance

Also:

House Bill No. 8251 SUB A**BY** Jacquard

ENTITLED, AN ACT RELATING TO TAXATION - COLLECTION OF TAXES GENERALLY (would require obtaining a municipal tax certificate and the payment of all tangible personal property taxes in any calendar year upon the sale or transfer of more than fifty percent (50%) of the assets or ownership interest of the business.) {LC2555/1/A}

Received and referred to the Senate Committee on Finance

Also:

House Bill No. 8361**BY** Naughton, Coderre E, Sullivan, Ucci, McNamara

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (would create a personal income tax refund deduction for contributions to the Rhode Island Cord Blood Bank.) {LC3056/1}

Received and referred to the Senate Committee on Finance

Also:

House Bill No. 7162 SUB A**BY** Costantino, Fox, Slater, Mumford, Shanley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND HUMAN SERVICES {LC105/5/A}

Received and referred to the Senate Committee on Finance

Also:

House Bill No. 8316 as amended

BY Lima, Gallison, Melo, Moffitt, Wasylyk

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE (would require the city or town building inspectors officers' to fax building permits to applicants when the application is complete but waiting for official signature. The official permit must be mailed within seven (7) business days of the faxing.) {LC2908/1}

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

Also:

House Bill No. 8300 SUB A

BY Gemma, Naughton, Lima, Giannini, Coderre E

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT (would provide for up to twenty years in prison for persons convicted of distributing a substance to someone without their knowledge with the intent to commit a crime of violence against that other person.) {LC2919/1/A}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7470

BY Jackson, Lewiss, O'Neill

ENTITLED, AN ACT RELATING TO PROPERTY --REDEMPTION, RELEASE AND TRANSFER OF MORTGAGES (provide for confirmatory residential mortgage releases) {LC1824/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8021 SUB A

BY Shanley, Scott, Kennedy, Rice

ENTITLED, AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS (allow the department of environmental management agriculture division to work in conjunction with the department of health on farm and farm facility issues) {LC2454/1/A}

Received and referred to Senate Environment and Agriculture.

NEW BUSINESS

Senate Resolution No. 3164

BY Senators Montalbano J, Paiva-Weed, Walaska, DaPonte, Cote

ENTITLED, SENATE RESOLUTION HONORING SENATOR PAUL E. MOURA FOR HIS SERVICE TO THE PEOPLE OF THE STATE OF RHODE ISLAND

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.

Senators Metts, Alves, Goodwin, Fogarty, Felag, Levesque, Lanzi, Raptakis, Jabour, Pichardo Picard, Miller, DaPonte, Gallo, Doyle, Ruggerio, Ciccone, Paiva Weed and Algieri pay tribute to Senator Moura.

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

Senator Moura addresses the body.

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President, welcomes to the Chamber Senator Moura's wife Gina Moura, his son Paul Moura, II, his daughter Nina Moura and his mother-in-law Avis Castro.

NEW BUSINESS

Senate Resolution No. 3163

BY Senator Blais

ENTITLED, SENATE RESOLUTION CREATING THE RHODE ISLAND MEDICAL DEVICE REPROCESSING STUDY COMMISSION {LC3276/1}

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by the entire Senate.

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

CALENDAR

IN ORDER FOR THURSDAY, JUNE 26, 2008:

- 1 Nomination of Mary E. McCaffrey (appointment) of Warwick VICE Associate Judge Richard A. Gonnella as Associate Judge of the Rhode Island District Court .**

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

Senator Paiva Weed seconded by Senators Alves, McBurney, Doyle, Tassoni, Ruggerio, Goodwin, Walaska, Gallo, Raptakis, Sheehan, Felag, Sosnowski Blais, Moura, Gibbs, DaPonte, Miller, Lanzi, Metts, Cote, Picard and many others moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senators abstaining as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator McCaffrey

GUESTS

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mary E. McCaffrey of Warwick, newly confirmed Associate Judge of the Rhode Island District Court, along with her husband Jeffery Clements, her daughter Catherine Clements, her parents Eugene and Ann McCaffrey and her brother William McCaffrey.

CALENDAR

2 Nomination of Alan R. Goulart, Esquire (appointment) as Magistrate of the Rhode Island Traffic Tribunal for a ten (10) year term.

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

Senator Connors seconded by Senators Bates, Alves, Paiva Weed, Doyle, Felag, Gallo, Maselli, Metts, Ciccone, Ruggerio and many others moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator McCaffrey and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Alan R. Goulart, newly confirmed Magistrate of the Rhode Island Traffic Tribunal, his wife Maria Goulart, his son Nathan, his daughters Rebecca and Elizabeth and his brother-in-law Paul Lupien.

CALENDAR**3 Nomination of R. David Cruise, Esquire (appointment) as Magistrate of the Rhode Island Traffic Tribunal for a ten (10) year term.**

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

Senator McCaffrey seconded by Senators Connors, Paiva Weed, Ruggerio, Alves, McBurney, Doyle, Goodwin, Walaska, Gallo Felag, Fogarty, Levesque, Sheehan, Raptakis, Jabour, Miller, Lanzi, Cote, Metts, Maselli, Blais, Sosnowski and many others moves that advice and consent of the Senate be given this appointment.

Senators Connors, Alves, Paiva Weed, Goodwin, DaPonte, Ruggerio and McBurney pay tribute to the nominee.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0

GUESTS

Upon suggestion of Senator Connors and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable R. David Cruise, newly confirmed Magistrate of the Rhode Island Traffic Court, along with his partner Nathan Hannon, James Cruise, Chrissy Cruise, Lily Cruise, Darlene Gagnon, David Gagnon, Matt Degnan, Meghan Degnan, Michael Brown, Tom Gray.

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable William Carnes, Associate Justice of the Rhode Island Superior Court of Pawtucket.

CALENDAR**4 Nomination of William McAtee (reappointment) of Cumberland to the position of Magistrate for a ten (10) year term.**

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

Senator McCaffrey seconded by Senators Connors, Levesque, Moura, Gallo, Doyle, McBurney, Bates, Metts, Paiva Weed, Ruggerio, Felag, McBurney and many others moves that advice and consent of the Senate be given this appointment.

Senators Levesque and McBurney pay tribute to the nominee.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

IN ORDER FOR THURSDAY, JUNE 26, 2008:

- 1 Nomination of Susan Revens (reappointment) of Warwick to the position of Magistrate for a ten (10) year term.**
- 2 Nomination of Richard C. Youngken (appointment) of Wakefield to the Scenic Highway Board for a term expiring January 31, 2010.**
- 3. 2008-H 7938 as amended
BY Jacquard
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY - LEVY AND SALE ON EXECUTION**
- 4. 2008-H 8442
BY Coaty
ENTITLED, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL
OBSERVANCES**
- 5. 2008-H 7409 SUB A as amended
BY Kilmartin
ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS - THE
RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008.**

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 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

5. 2008-S 3165

BY Sheehan

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL LEGISLATIVE STUDY COMMISSION TO REVIEW THE PROJECT APPROVAL PROCESSES FOR THE QUONSET DEVELOPMENT CORPORATION

Ordered to be placed on the Senate Calendar

Senator Sheehan moves passage, seconded by Senator Walaska.

Senator Sheehan seconded by Senator Levesque, offers an oral motion to amend.

The motion to amend prevails upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Montalbano and Senators Alves, Bates, Blais, Ciccone, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

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

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Alves, Bates, Blais, Ciccone, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 3167****BY** Senators Montalbano J, Paiva-Weed, Lanzi, Felag, Sosnowski**ENTITLED**, SENATE RESOLUTION THANKING THE SENATE STAFF FOR THEIR TIRELESS WORK, DEDICATED SERVICE AND DEVOTION TO THE SENATE AND THE CITIZENS OF RHODE ISLAND {LC3205/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the Senator Blais.

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

Also:

Senate Resolution No. 3166**BY** Senators Ruggerio, Montalbano J, Ciccone, McBurney, Paiva-Weed**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE UNTIMELY PASSING OF DESIREE LEE MESOLELLA {LC3274/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by the entire Senate.

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

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Blais, and upon suggestion of Senator Ruggerio, the Senate adjourns pursuant to the Joint Resolution Declaring and Consenting to a Recess of the General Assembly, at 7:09 o'clock P.M. on Thursday, June 26, 2008, in memory of Desiree Lee Mesolella.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR HAROLD M. METTS**

Eternal Father, we thank you for the privilege of having served the people of our state. We thank you for the good times we have shared with our colleagues and the many accomplishments this body was able to achieve. Amen.