

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.65

Wednesday, August 20, 2008

Sixty-fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:11 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, Breene, 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, Sheehan, Tassoni, Walaska.

ABSENT – 4: Senators Ciccone, Picard, Ruggerio, Sosnowski.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Connors and by unanimous consent, the Honorable President, welcomes to the Chamber Anthony J. Montalbano, Esq., father of Senator Joseph A. Montalbano.

COMMUNICATION

The Honorable President presents the following communication:

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

The Honorable Joseph A. Montalbano
President of the Senate
State House Room 318
Providence, RI 02903

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber on Wednesday, August 20, 2008 as I will be out of the State on business.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Dominick J. Ruggerio
Senator – District 4

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 3169**

BY Senators Fogarty P, Blais, Tassoni, Gallo, Walaska

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF C. THOMAS BUCKLEY, JR. {LC3282/1}

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 rising vote.

Also:

Senate Resolution No. 3170

BY Senators Bates, Tassoni, Gallo, Walaska, Felag

ENTITLED, SENATE RESOLUTION CONGRATULATING THE CITIZENS SCHOLARSHIP FOUNDATION OF BARRINGTON FOR FIFTY YEARS OF SERVICE TO THE STUDENTS OF BARRINGTON {LC3279/1}

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3171

BY Senators Bates, Gallo, Algieri, McBurney, Lanzi

ENTITLED, SENATE RESOLUTION PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE STATE OF RHODE ISLAND {LC3281/1}

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by Senators Goodwin, Blais, Metts, Algieri, Paiva Weed, Gallo and Lanzi.

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

Also:

Senate Resolution No. 3172

BY Senators Montalbano J, Gallo, Tassoni, Walaska, Felag

ENTITLED, SENATE RESOLUTION CONGRATULATING JIMMY BURCHFIELD ON RECEIVING THE "MAN OF THE YEAR AWARD" FROM THE ITALO-AMERICAN CLUB OF RHODE ISLAND {LC3280/1}

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.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senator Paiva Weed, items #6 and #8 on the Calendar are removed and placed on today's Consent Calendar.

- 1 Nomination of Arthur C. Barton, III of East Greenwich to the Clean Water Finance Agency for a term to expire March 1, 2010.**
- 2 Nomination of Ronald J. Pagliarini as Family Court Administrator for a five (5) year term.**
- 3 Nomination of Bradford B. Kopp of Providence VICE Jean Rondeau to the Historical Preservation and Heritage Commission for a term to expire 6/1/2009.**

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

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

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, AUGUST 20, 2008:**

- 1 Nomination of Anthony Capraro of Providence VICE Patricia D. Moore as Associate Justice of the Rhode Island District Court.**

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

Senator McCaffrey, seconded by Senators Gibbs, Levesque, Paiva Weed, Alves, McBurney, Algieri, Felag, Jabour, Metts and others, moves that advice and consent of the Senate be given this appointment.

Senator Alves discusses the 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, Breene, 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, Sheehan, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Anthony Capraro, newly appointed Associate Justice of the Rhode Island District Court, along with his family, his wife, Therese Caron, his daughter, Camille Capraro, and parents Anthony and Helene Capraro.

CALENDAR

2 Nomination of Robert Ferrieri of Johnston VICE Associate Judge John Rotondi, Jr. as Associate Judge of the Workers Compensation Court.

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

Senator Maselli, seconded by Senators Levesque, Jabour, Felag, Goodwin, McBurney, Alves, Algieri, Paiva Weed, Blais and Pichardo, 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, Breene, 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, Sheehan, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Maselli and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Robert Ferrieri newly appointed Associate Judge of the Workers Compensation Court along with his family, his wife, Paula Ferrieri, his son, Nicholas Ferrieri, and his daughter, Lindsay Ferrieri.

CALENDAR

3 Nomination of George N. DiMuro VICE Debra DiSegna as Administrative Magistrate in the Family Court for a ten (10) year term.

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

Senators McCaffrey, and Gallo seconded by Senators Levesque, McBurney, Moura, Maselli, Felag, Jabour and Algiere, 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 Algiere, Alves, Bates, Blais, Breene, 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, Sheehan, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber George N. DiMuro newly appointed Administrative Magistrate in the Family Court, along with his wife, Cathleen DiMuro and Ronald Pagliorini, newly appointed Family Court Administrator.

CALENDAR

4 Nomination of Colleen Hastings VICE Mary McCaffrey as Magistrate in the Family Court for a ten (10) year term.

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

Senator Levesque, seconded by Senators Paiva Weed, Levesque, Goodwin, Alves, McCaffrey, Felag, McBurney, Algiere, Breene, Blais, Gibbs, Maselli, Pichardo, Miller and Lanzi moves that advice and consent of the Senate be given this appointment.

Senator Alves discusses the 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 Algiere, Alves, Bates, Blais, Breene, 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, Sheehan, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber Colleen Hastings newly appointed Magistrate in the Family Court and her family, her mother Esther Hastings and her sons Lincoln Janes and Joshua Janes.

CALENDAR**5 Nomination of Armand Monaco VICE George DiMuro as Magistrate in the Family Court 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 Levesque, Felag, McBurney, Jabour, Walaska, Algieri, Maselli, Paiva Weed and Lenihan, 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 as follows:

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

NAYS- 0:

GUESTS

Upon suggestion of Senator Lenihan and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Armand Monaco newly appointed Magistrate in the Family Court and his family, his wife Bettina Monaco, his friend, Mary Ann Altrui, Father Edward McGovern and Anthony Montalbano.

CALENDAR**7 Nomination of John E. Chartier of Wakefield VICE Frank M. Sylvester as State Fire Marshal for a term to expire July 1, 2009..**

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

Senator McCaffrey seconded by Senators Levesque, Perry, Jabour, Raptakis, Felag, Alves, Walaska, Paiva Weed, Algieri, Breene and Blais 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 as follows:

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

NAYS- 0:

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber John E. Chartier, newly appointed State Fire Marshal.

COMMUNICATION

The Honorable President presents the following communication:

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

August 14, 2008

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the March 17, 2008 appointment of John Ward to the Rhode Island Resource Recovery Corporation.

Sincerely,



Donald L. Carcieri
Governor

Read and ordered to be placed on file.

Also:

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

August 14, 2008

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the March 17, 2008 appointment of Sue Sheppard to the Rhode Island Resource Recovery Corporation.

Sincerely,



Donald L. Carcieri
Governor

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

August 15, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Resource Recovery Corporation:

Geri-Ann DiPaolo of North Providence

VICE
Michael Salvatore, Jr.

for a term expiring July 1, 2010.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

August 14, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Resource Recovery Corporation:

The Honorable Charles Lombardi
(Municipal Official)

VICE
The Honorable Scott Avedisian
(resigned)

for a term expiring July 1, 2009.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

ADJOURNMENT

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, and upon suggestion of Senator Fogarty, the Senate adjourns at 5:00 o'clock P.M. in memory C. Thomas Buckley, Jr.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUNE N. GIBBS

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.