

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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# Journal of the Senate

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the fifth day of January in the year of Our Lord two thousand and ten.**

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Volume 137, No.10

Tuesday, February 2, 2010 and  
Wednesday, February 3, 2010

Tenth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:06 o'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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Connors, Lenihan.

## INVOCATION

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

(See Appendix for Invocation)

## PLEDGE OF ALLEGIANCE TO THE FLAG

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

## APPROVAL OF RECORD

The Senate Journal of the Ninth Legislative Day of the 2010 proceedings is read in part.

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

## 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

January 21, 2010

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:

**Mario Bueno of Cranston**  
(Representing Community Based Organization)

for a term expiring January 1, 2013.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

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:

**Paul MacDonald of Harrisville**  
(Representing Labor)

for a term expiring January 1, 2013.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

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:

**William McGowan of North Kingstown**  
(Representing Labor)

for a term expiring January 1, 2013.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

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:

**Brandon Melton of East Greenwich**  
(Representing Business)

for a term expiring January 1, 2013.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

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:

**Martin Trueb of East Greenwich**  
(Representing Business)

for a term expiring January 1, 2013.

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 RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

**Kathrin P. Belliveau of Barrington**

for a term expiring January 31, 2012.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

**Dr. Joseph H. Hagan of Little Compton**

for a term expiring January 31, 2013.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following reappointment to the Coastal Resources Management Council:

**David Abedon of Warwick**  
(Public Member – Representing a Coastal Community)

for a term expiring January 31, 2013.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE

January 21, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following reappointment to the Coastal Resources Management Council:

**Donald T. Gomez of Little Compton**  
(Representing Coastal Community Under 25,000)

for a term expiring January 31, 2013.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture.

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7039**

**BY** Gallison, Gablinske

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Robert E. Pirri, Esq. to join Lea Morelle and Joseph Mack in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7119**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Honorable Donald Lally, Jr., to join Jennifer Marie Kurtz and Mark Ryan Calner in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7020****BY** Marcello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Charles Michael Blais to join Janice Elizabeth Blais and David Edmund Amaral in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7303****BY** Winfield**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Reverend Normand Rene Poulin to join Gale Marie Irace and Richard Pierre Poulin in marriage) {LC1049/1}

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7116****BY** Ajello, Ferri, Handy**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (The Honorable Timothy Morey to join Megan Daunais and Vincent Milano in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7115****BY** Ruggiero**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Judith Swift to join Abigail Walker Anthony and Ethan Spencer Brown in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7053****BY** Kilmartin, Messier, San Bento, Coderre E, DaSilva**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jacqueline C. Damato to join Theresa R. Fraatz and Michael A. DiSano in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7043**

**BY** Ruggiero

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (the Honorable Gail Schwenker Mayer, Justice of the Peace in Connecticut, to join Jane Seney and Dean Slye in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7052**

**BY** Ucci

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Ralph J. Marinaccio to join Alicia A. Florio and Matthew J. Caito in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7125**

**BY** Corvese

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7017**

**BY** Ehrhardt

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Donald Dragon, Jr., to join Brianne Elizabeth Ryan and Guido Damon Silvestri in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:

**House Bill No. 7019**

**BY** Melo

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Honorable Robert Wright to join Keelia Wright and Zachary Kentor in marriage)

Received and referred to the Senate Committee on Judiciary.

Also:



**House Bill No. 7018****BY** Serpa**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Robert Hopkins to join Ashley Garland Iasiello and Lieutenant Michael Robert Mazzone, USN, in marriage)

Received and referred to the Senate Committee on Judiciary.

**NEW BUSINESS****Senate Bill No. 2084****BY** Senator DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Nathan Wrean Herschler to join Mariel Wrean Herschler and David Keir Carroll in marriage within the City of Newport, Rhode Island, on or about September 4, 2011)

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2085****BY** Senator Maselli**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Ralph J. Marinaccio to join Alicia A. Florio and Matthew J. Caito in marriage on or about August 5, 2011, within the Town of North Kingstown, Rhode Island)

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2086****BY** Senator Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Scott Avedisian, Mayor of the City of Warwick, to join Elizabeth Garrett Benz and Matthew Lee Hogberg in marriage within the City of Newport, Rhode Island, on or about May 22, 2010)

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2087****BY** Senator Picard**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Fred Benjamin to join Emily Ann Benjamin and Matthew John Finn in marriage within the City of Providence, Rhode Island, on or about September 2, 2010)

Read and ordered to the Committee on Judiciary.

Also:

**Senate Resolution No. 2088**

**BY** Senator Sosnowski

**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF H. WINFIELD TUCKER

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Algieri, Perry, Miller and Ruggerio.

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

Also:

**Senate Bill No. 2089**

**BY** Senator Ciccone

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Gregory J. Schadone to join Dana Paolantonio and Nicholas Cardillo in marriage within the Town of Smithfield, Rhode Island, on or about May 23, 2010) {LC1120/1}

Read and ordered to the Committee on Judiciary.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

**1 2010-S 2081**

**BY** Sheehan

**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF PHILIP J. DURIGAN, JR.

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed 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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**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 Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at 2:30 o'clock P.M., and 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, in Room 310 of the State House.

Senator Ruggerio announces that the last day for Senate Bill Introduction will be Thursday, February 11<sup>th</sup>, 2010.

**RECESS**

Upon motion of Senator Doyle, seconded by Senator Ruggerio, and upon suggestion of Senator Sosnowski, the Senate stands at recess at 4:18 o'clock P.M. in memory of H. Winfield Tucker.

**CALLED TO ORDER**

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Wednesday, February 3, 2010, at 4:10 o'clock P.M.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**GUESTS**

Upon suggestion of Senator Bates and by unanimous consent, the Honorable President welcomes to the Chamber the Barrington High School Football Team Division I Champions, head coach Bill McCagney, assistant coaches Stephen Lenz, Glen Salgueiro, Jared Vance and Drew Genetti, players Alexander J. Spiess, Marcus A. Rojas, Jackson C. Ryan, Vincent J. St. Angelo, Marc S. Balasco, Brandon Lewis, Stephen C. Crawford, Gerard Lacerte, Adam M. Hadley, Jake Simons, Ted Jones, Taylor Nyser, Marc A. DeSisto, Cristian A. Martinez, Jr., Jacob T. Portugal, Michael A. Read, William A. Brown, Jeff Tian,

John J Lewis, Carter A. Craig, John Dillon, Maxwell E. King, Christopher S. Meade, Cameron W. Lator, Brain M. Mahoney, Ryan E. Freeman, Joshua M. Ott, Hunter I. Tannock, David M. Silvia, Rui Pereira, Andrew L. Merlino, Austin Brown, Adam N. Toman, Graham W. Steadman, Alfred Farina, Nicholas M. Boyle, Maurice Diaz, Edward J. Milazzo, Julian P. Lucas, Dean P. DeSisto, Dennis J. Wajda, Alex C. DiPaola, Nathan Lamanna, Luc J. Lacerte, Andrew J. Kelly, Jake Davis, Alexander Rimoshytus, Matthew D. Kelsey, Phillip S. Rasnick, Jeffery D. Hill, Julian B. Acciardo, Evan D. Ambrose, Christopher J. Crawford, William A. Restituyo, Samuel H. Hutchings, Nicolas J. Rojas, Jacob J. Snow, John Meehan, Vincent Pagnano, Christopher Brindamour, Miles A. Kirby, Connor G. Fiske.

Upon suggestion of Senator Bates and by unanimous consent, the Honorable President welcomes to the Chamber the Barrington Eagles Cheerleaders Erin Meehan, Ali Germane, Nicole Iannuccillo, Sarah Rudolf, Rebecca Viens, Gabby Diaz, Monica Koehler, Kelsey Lever, Katie Pouliot, Victoria Craun, Hailey Hicks, Hannah McBain, Ashley Sampson, Caroline Silva, Michaela Swift, Jamie Testa, Annalisa Drapos, Kelsey Huntoon and coach Stacy Degre.

Upon suggestion of Senator Miller and by unanimous consent, the Honorable President welcomes to the Chamber Ambassador John L. Loeb, Jr., founder of the George Washington Institute for Religious Freedom and the new Loeb Visitors Center at the Touro Synagogue in Newport, RI. Richard Wiener, director of the George Washington Institute for Religious Freedom, and David Kleiman, Curator of the Loeb Visitors Center at Touro Synagogue in Newport, RI.

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President welcomes to the Chamber Ms. Dakota Gruener, student at Brown University interning for Senator Sheehan.

### COMMUNICATION

The Honorable President presents the following communication:

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

February 4, 2010

The Honorable M. Teresa Paiva Weed  
President of the Senate  
317 State House  
Providence, RI 02903

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the chamber from Wednesday, February 3, 2010, through Thursday, February 12, 2010.

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

Thank you for your attention to this matter.

Sincerely,

Senator J. Michael Lenihan  
Senate District 35

Read and ordered to be placed on file.

**NEW BUSINESS****Senate Resolution No. 2090****BY** Senators Metts, Pichardo, Jabour, Ciccone, Algieri**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN THE STATE OF RHODE ISLAND {LC1042/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Pichardo, Jabour and Ruggerio.

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

Also:

**Senate Resolution No. 2091****BY** Senator Raptakis**ENTITLED**, SENATE RESOLUTION RECOGNIZING ALYSSA CONLAN FOR HER MUNIFICENT CONTRIBUTIONS TOWARDS THE HAITIAN RELIEF EFFORTS {LC1040/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senators Algieri, Fogarty, Blais, Maher and Pinga.

The act is read and passed, by unanimous consent, 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 Paiva Weed and Senators Algieri, Bates, Blais, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**GUESTS**

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President welcomes to the Chamber Alyssa Conlan, her mother Dawn Conlan, and her father Dan Conlan.

Upon suggestion of Senator Walaska and by unanimous consent, the Honorable President welcomes to the Chamber grandmother Marguerite Gasior of Warwick and the wife of Senator Raptakis Dr. Donna Raptakis.

**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 Felag announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Levesque announces that the Committee on Judiciary will meet tomorrow, at the rise of the Senate, in Room 313 of the State House.

**ADJOURNMENT**

Upon motion of Senator Doyle, seconded by Senator Algieri, the Senate adjourns at 4:33o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix****INVOCATION****SENATOR PAUL V. JABOUR**

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

**Appendix****INVOCATION****SENATOR JOHN J. TASSONI, JR.**

We ask that you guide us, Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them. Amen.