

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. 18

Wednesday, March 17, 2010  
and March 18, 2010

Eighteenth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable John F. McBurney, III, President Pro Tempore of the Senate, at 4:10 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, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

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

**INVOCATION**

The Honorable President, by unanimous consent, presents Sister Jane Gerety, President of Salve Regina University, to deliver the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Honorable President, by unanimous consent, presents Dr. David M. Dooley, President of the University of Rhode Island to lead the Senate in the pledge of allegiance to the flag.

**NATIONAL ANTHAM**

The National Anthem is performed by Rebecca Gonzalez from the Naval War College in Newport.

**APPROVAL OF RECORD**

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

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

**GUESTS**

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Donna Nesselbush, associate Judge Pawtucket Municipal Court, Al Baldera and President David M. Dooley from the University of Rhode Island.

Upon suggestion of Senator Maselli and by unanimous consent, the Honorable President, welcomes to the Chamber Monsignor Carlo F. Montecalvo.

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Pam Bailey.

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Patrick Carroll.

**COMMUNICATION**

The Honorable President presents the following communication:

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

March 17, 2010

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

Dear President Paiva Weed:

Please accept this letter as notification that I will be unable to attend Senate Session today, Wednesday, March 17, 2010.  
Thank you.

Sincerely,

James C. Sheehan  
Senator – District 36

Read and ordered to be placed on file.

**COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2591**

**BY** Senators McCaffrey, Lynch

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow James Callaghan to join Nicole Marie Benoit and Kevin John Loontjens in marriage within the City of Newport, Rhode Island, on or about August 15, 2010) {LC2026/1}

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Bill No. 2052**

**BY** Senators Ciccone, Maselli, Connors, Jabour, McCaffrey

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- SERVICE OF PROCESS (would add penalties to the provisions of Rhode Island general law 9-5-35 regarding interference with service of process in the workplace.)

Read and ordered to be placed on the Calendar.

Also:

**Senate Bill No. 2209**

**BY** Senators Miller, Maher, Perry, Sosnowski, Pichardo

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT--DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES -- FOSTER PARENTS' BILL OF RIGHTS (would provide for a statement of rights for foster parents to assist them in the performance of their duties)

Read and ordered to be placed on the Calendar.

Also:

**Senate Bill No. 2215**

**BY** Senators Maselli, Jabour, Ciccone, Ruggerio

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JURY LISTS (would exempt correctional officers from jury service) {LC1281/1}

Read and ordered to be placed on the Calendar.

Also:

Also:

**Senate Bill No. 2231**

**BY** Senator McCaffrey

**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN (would allow the Family Court to retain jurisdiction over juveniles until the age of twenty-one (21))

Read and ordered to be placed on the Calendar.

**COMMITTEE ON RULES**

Senator Maselli from the Committee on Rules, reports back, with recommendation of passage of the following measures:

**Senate Resolution No. 2171**

**BY** Senator Maselli

**ENTITLED**, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE

Read and ordered to be placed on the Calendar.

Also:

**Senate Resolution No. 2389**

**BY** Senators Maselli, Bates, Ciccone

**ENTITLED**, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE FOR THE YEARS 2009-2010 {LC1864/1}

Read and ordered to be placed on the Calendar.

**NEW BUSINESS**

**Senate Resolution No. 2692**

**BY** Senator Lynch

**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF ST. PATRICK'S DAY {LC2179/1}

Senator Lynch requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lynch moves passage, seconded by Senators Connors and Algieri.

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

Also:

**Senate Resolution No. 2693****BY** Senator DiPalma**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF ST. JOSEPH'S DAY {LC2181/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DiPalma moves passage, seconded by Senators Connors and Algieri.

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

**RECESS**

Upon motion of Senator Connors, seconded by Senator Algieri, and upon suggestion of Senator Ciccone, the Senate stands at recess at 4:26 o'clock P.M.

**St. Patrick's Day & St. Joseph's Day Heritage Observance*****Words of Welcome***

**Erin P. Lynch**  
*Honorary Irish Co-Chair*

**Louis P. DiPalma**  
*Honorary Italian Co-Chair*

***Italian Heritage Address***

**Ray M. DiPasquale**  
*President of the Community College of Rhode Island*

***Irish Heritage Address***

**Dr. Nancy Carriuolo**  
*President of Rhode Island College*

***Benediction***

**Col. Carlo F. Montecalvo**  
*Monsignor, Our Lady Of Grace Parish,  
Johnston, Rhode Island Former Chaplin,  
United States Air Force Academy*

**CALLED TO ORDER**

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, March 18, 2010, at 4:19 o'clock P.M.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7049** as amended

**BY** Petrarca, Winfield, McCauley

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

Read and ordered to the Committee on Constitutional and Regulatory Issues .

Also:

**House Bill No. 7837**

**BY** Jackson

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Robert Rottenberg to join Jacqueline LeMoine and Kylan Mandile in marriage) {LC2065/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7830**

**BY** Gallison, Gablinske

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (David E. Barboza to join Erica Hope Guatieri and Cory John Bilodeau in marriage) {LC2069/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7831**

**BY** Rice A, Martin

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Bertram H. Buxton, III, to join Hope Dobbins Van Sciver and David Pakula in marriage) {LC2074/1}

Read and ordered to the Committee on Judiciary.

**NEW BUSINESS**

**Senate Resolution No. 2694**

**BY** Senator Jabour

**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE UNIVERSITY OF RHODE ISLAND 2009-2010 MEN'S BASKETBALL TEAM ON THE COMPLETION OF THEIR VERY SUCCESSFUL REGULAR SEASON AND WISHING THEM CONTINUED SUCCESS IN THE NATIONAL INVITATIONAL TOURNAMENT {LC2244/1}

Senator Jabour requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Jabour moves passage, seconded by Senators Connors, Metts, Miller and Levesque.

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

Also:

**Senate Resolution No. 2695**

**BY** Senators Maher, Paiva-Weed, Miller, Algieri, Raptakis

**ENTITLED**, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF RHODE ISLAND STATE POLICE DETECTIVE SERGEANT JAMES D. DOUGHERTY {LC2233/1}

Senator Maher requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Maher moves passage, seconded by Senator Connors and the entire Senate.

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

Also:

**Senate Bill No. 2696**

**BY** Senators Doyle, Connors

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING {LC1730/1}

Read and referred to the Senate Committee on Corporations.

Also:

**Senate Bill No. 2697****BY** Senators Raptakis, Lynch, Connors, Maher, O'Neill E**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES - LIQUOR

Read and referred to the Senate Committee on Constitutional and Regulatory Issues.

Also:

**Senate Resolution No. 2698****BY** Senators Sheehan, Lenihan, Raptakis, Miller, Metts**ENTITLED**, SENATE RESOLUTION EXPRESSING DISCONTENT WITH THE SUPREME COURT'S RULING IN CITIZENS UNITED AND IMPLOING THE CONGRESS OF THE UNITED STATES TO ENACT APPROPRIATE LEGISLATION TO STRENGTHEN REGULATIONS AND ENHANCE DISCLOSURE OF CORPORATE AND UNION ELECTION SPENDING {LC2229/1}

Read and referred to the Senate Committee on Constitutional and Regulatory Issues.

Also:

**Senate Resolution No. 2699****BY** Senator Blais**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (MARRIAGE) {LC2142/1}

Read and referred to the Senate Committee on Constitutional and Regulatory Issues.

Also:

**Senate Bill No. 2700****BY** Senator Blais**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSION - INSTALLERS OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS {LC2150/1}

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2701****BY** Senator Raptakis**ENTITLED**, AN ACT RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS {LC1995/1}

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2702****BY** Senators Felag, Sosnowski, DiPalma, Lanzi, Lynch**ENTITLED**, AN ACT RELATING TO TAXATION -- ALTERNATIVE FUEL VEHICLE AND FILLING STATION TAX CREDIT {LC1490/1}

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2703****BY** Senators Lynch, Miller**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES {LC1239/1}

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2704****BY** Senators DaPonte, DeVall**ENTITLED**, AN ACT RELATING TO SPECIAL DEVELOPMENT DISTRICTS -- EAST PROVIDENCE {LC2201/1}

Read and referred to the Senate Committee on Municipal Government.

Also:

**Senate Bill No. 2705****BY** Senator Goodwin**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION {LC2207/1}

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2706****BY** Senators Connors, Miller, DaPonte, DiPalma**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PEDESTRIANS AND BICYCLES {LC2238/1}

Read and referred to the Senate Committee on Judiciary.

**AT EASE**

The Senate stands at ease at 4:30 o'clock P.M.

**CALLED TO ORDER**

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, March 18, 2010, at 4:32 o'clock P.M.

**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 Perry announces that the Committee on Health and Human Services will meet on Monday, March 22, at 3:30 o'clock P.M. in Room 313 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.

**GUESTS**

Upon suggestion of Senator Connors and by unanimous consent, the Honorable President, welcomes to the Chamber Nick Furtado, and Specialist Matt Furtado from the Army National Guard who is on leave from Guantanamo Bay, both nephews of Senator Erin Lynch.

**ADJOURNMENT**

Upon motion of Senator Maher seconded by Senator Connors and upon suggestion of Senator Maher the Senate adjourns at 4:35 o'clock P.M. in memory of Rhode Island State Police Detective Sergeant James D. Dougherty.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR DAVID E. BATES**

Help us to acknowledge our dependence on You, Lord. Instill in us Your Truth so that we may be true public servants to the people of our State. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR TUESDAY, MARCH 23, 2010:**

**1 2010-S 2591**

**BY McCaffrey**

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

Committee on Judiciary recommends passage.

**2 2010-S 2710**

**BY Blais**

**ENTITLED, SENATE RESOLUTION RECOGNIZING AND COMMENDING ANDREW HEVEY UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT**

Ordered to be placed on the Consent Calendar.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, MARCH 23, 2010:****1 2010-S 2052****BY Ciccone****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL  
PROCEDURE--PROCEDURE GENERALLY -- SERVICE OF  
PROCESS

Committee on Judiciary recommends passage.

**2 2010-S 2209****BY Miller****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND  
GOVERNMENT--DEPARTMENT OF CHILDREN, YOUTH AND  
FAMILIES -- FOSTER PARENTS' BILL OF RIGHTS

Committee on Judiciary recommends passage.

**3 2010-S 2215****BY Maselli****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
PROCEDURE GENERALLY - JURY LISTS

Committee on Judiciary recommends passage.

**4 2010-S 2231****BY McCaffrey****ENTITLED,** AN ACT RELATING TO DELINQUENT AND DEPENDENT  
CHILDREN

Committee on Judiciary recommends passage.

**5 2010-S 2171****BY Maselli****ENTITLED,** SENATE RESOLUTION AMENDING THE RULES OF THE SENATE

Committee on Rules recommends passage.

**6 2010-S 2389****BY Maselli****ENTITLED,** SENATE RESOLUTION AMENDING THE RULES OF THE SENATE  
FOR THE YEARS 2009-2010

Committee on Rules recommends passage.