

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 fifth day of January in the year of Our Lord two thousand and ten.

Volume 137, No. 19

Tuesday, March 23, 2010

Nineteenth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:13 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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

The Honorable President, by unanimous consent, presents Senator O'Neill to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Nomination of David Abedon (reappointment) (Public Member - Representing a Coastal Community) of Warwick to the Coastal Resources Management Council for a term expiring January 31, 2013.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Donald T. Gomez (reappointment) (Representing Coastal Community Under 25,000) of Little Compton to the Coastal Resources Management Council for a term expiring January 31, 2013.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS**Senate Resolution No. 2711**

BY Senator Tassoni

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 23, 2010, TO BE "HOBEY BAKER HIGH SCHOOL CHARACTER AWARDS DAY" IN RHODE ISLAND {LC2269/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Connors, Ruggerio and Algiere.

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 Algiere, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber Hobe Baker High School Character Award recipients Joseph Judge - Barrington, Laura

Otterbach - Barrington, Andy Bathgate - Bishop Hendricken, Nicholas E. Harriman - Burrillville, Kassondra Rouleau - Burrillville/Ponaganset, Ryan Galvin - Coventry, Jake Magnone - Cranston East, Jared Dauphinais - Cranston West, Melanie Rogers - Cranston, Nick Donnelly - Cumberland, Kenneth Cruise - E. Greenwich, Scott Lincoln - E. Providence, Justin Borino - Johnston / No. Providence, Jacob W. Dyl - LaSalle, Lauren Lanoie - LaSalle, Nicholas Lasorsa - Lincoln, Ian Larcom - Middletown, Eric Gilligan - Moses Brown, Kevin Nerone - Mt. Hope, Evan Hoffman - Mt. St. Charles, Erin McQuade - Mt. St. Charles, Ryan Kluk - Narraganset, Kevin McMullen - North Kingstown, Patrick Shea - North Smithfield, Adrienne Pariset - North Smithfield, Matthew Raso - Pilgrim, Craig Shea - Ponaganset, Nathan Cole - Portsmouth, David Horsfield - The Prout School, Eric Vargas – Providence Country Day / Wheeler, Eric Kelly - Rogers / Tiverton, Patrick Almonte - Scituate, Nathan Iannuccillo - Smithfield, Jon Gorman - South Kingstown, Samantha Gouin - St. Mary / Bay View, Joseph Mello – St. Raphael, Nicholas Nardone - Toll Gate, Caitlyn Haskins - Warwick, Thomas Gray - Tolman, Patrick Hickey - Warwick Vets, John O'Brien - West Warwick and Corey Badeau - Woonsocket.

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber Richard Brassard, Deb Tobeg and Joe Judge.

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber Ernest Almonte, former Auditor General.

AT EASE

The Senate stands at ease at 4:25 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 Tuesday, March 23, 2010, at 4:29 o'clock P.M.

CONSENT CALENDAR

In order for the day is taken up as follows:

1 2010-S 2591

BY McCaffrey

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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

Upon motion of Senator Connors, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Ciccone moves passage, seconded by Senators Maselli, McCaffrey, Jabour and Pichardo.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Miller moves passage, seconded by Senators McCaffrey, Perry, Metts, Maher and Sosnowski.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi,

Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2010-S 2215

BY Maselli

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY - JURY LISTS

Committee on Judiciary recommends passage.

Senator Maselli moves passage, seconded by Senators McCaffrey, Jabour and Perry.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

4 2010-S 2231

BY McCaffrey

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT
CHILDREN

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Levesque, Lynch and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 7 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Paiva Weed and Senators Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maselli, McBurney, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 7: Senators Algieri, Bates, Blais, Maher, O'Neill, Pinga, Raptakis.

5 2010-S 2171

BY Maselli

ENTITLED, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE

Committee on Rules recommends passage.

Senator Maselli moves passage, seconded by Senators Ruggerio and Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Maselli moves passage, seconded by Senators McCaffrey and Blais

Senator Sheehan discusses the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, 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 McCaffrey and by unanimous consent, the Honorable President welcomes to the Chamber Everett Marabian and Kenneth Baronian.

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 Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Picard announces that the Committee on Corporations will meet next Tuesday, March 30, at 3:00 o'clock P.M. in Room 212 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 DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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 3:30 o'clock P.M. in Room 310 of the State House.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Ruggerio, the Senate adjourns at 4:41 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR EDWARD J. O'NEILL

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 24, 2010:

- 1 Nomination of David Abedon (reappointment) (Public Member - Representing a Coastal Community) of Warwick to the Coastal Resources Management Council for a term expiring January 31, 2013.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 2 Nomination of Donald T. Gomez (reappointment) (Representing Coastal Community Under 25,000) of Little Compton to the Coastal Resources Management Council for a term expiring January 31, 2013.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

JOSEPH R. BRADY
Secretary of the Senate