

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.32

Tuesday, May 11, 2010

Thirty-second 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 4:20 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, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators DaPonte, Goodwin.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-first Legislative Day of the 2010 proceedings is read in part.

Upon suggestion of Senator Crowley 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**

May 11, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Justice of the Rhode Island Family Court:

KAREN LYNCH BERNARD

VICE

ASSOCIATE JUSTICE HOWARD LIPSEY

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

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

**REPORTS OF COMMITTEE
COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

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

Senate Bill **No.** 2841 SUB A

BY Miller, Walaska, Bates, Lanzi

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- REVENUE DECOUPLING

{LC2522/1/A}

05/11/2010 Placed on Senate Calendar

Senate Bill **No.** 2842 SUB A as amended

BY Maselli, Connors, Miller, Ruggerio, McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LONG -TERM CONTRACTING STANDARD FOR RENEWABLE ENERGY

{LC2521/1/A}

05/11/2010 Placed on Senate Calendar

NEW BUSINESS**Senate Bill No. 2866****BY** Senators DeVall, DaPonte, Ruggerio, Connors**ENTITLED**, AN ACT EXPRESSING CONDOLENCES ON THE PASSING OF ARMAND G. CARUOLO, JR. {LC2577/1}

Senator DeVall requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DeVall moves passage, seconded by Senators Bates and Metts.

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

Also:

Senate Resolution No. 2867**BY** Senator Metts**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF MARGUERITE BEAUBIEN {LC2596/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

CALENDAR**IN ORDER FOR TUESDAY, MAY 11, 2010:****7. 2010-S 2802 SUB A****BY** Felag**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LIQUOR LICENSES

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Felag moves passage, seconded by Senators Sheehan, Levesque, Lynch and DiPalma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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, Connors, Cote, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

1. 2010-S 2645

BY Blais

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
JUDICIAL SELECTION

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Tuesday, May 18, 2010.

2. 2010-S 2352

BY Ruggerio

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- GENERAL
PROVISIONS

Committee on Constitutional & Regulatory Issues recommends passage.

Senator Ruggerio moves passage, seconded by Senators Maselli, Lynch and Jabour.

Senators Raptakis and Ruggerio discuss the act.

The act is read and passed, upon a roll call vote with 28 Senators voting in the affirmative and 3 Senators voting in the negative and 3 Senators abstaining as follows:

YEAS- 28: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Perry, Picard, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Pinga, Raptakis, Sheehan

ABSTAINED- 3: Senators Lenihan, Miller, Pichardo.

3. 2010-S 2508 as amended

BY Goodwin

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS
SETTLEMENT PRACTICES ACT

Committee on Constitutional & Regulatory Issues recommends passage as amended.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Tuesday, May 18, 2010.

4. 2010-S 2618 SUB A**BY Goodwin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LIQUOR LICENSES

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Thursday, May 13, 2010.

5. 2010-S 2712**BY Bates****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE UNITED STATES CONGRESS PASS FEDERAL USURY LEGISLATION

Committee on Constitutional & Regulatory Issues recommends passage.

Senator Bates moves passage, seconded by Senators Blais, Miller, Lynch, Walaska and Sheehan.

Senator Sheehan discusses the act.

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, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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 2774 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Tassoni moves passage, seconded by Senator Doyle.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, 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, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7954 SUB A

BY Edwards

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LIQUOR LICENSES {LC2273/1/A}

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Ruggerio, Levesque and Sheehan.

The act is read and passed, by unanimous consent, in concurrence, 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 Paiva Weed and Senators Algieri, Bates, Blais, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, 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 Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M., in Room 211 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.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senators Pichardo and Jabour and upon suggestion of Senator Metts the Senate adjourns at 4:42 o'clock P.M. in memory Marguerite Beaubien.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR ELIZABETH A. CROWLEY**

Almighty God, we thank you for this day. We thank you for awakening us with a renewed spirit and the vigor to live each day to the fullest. We thank you for the love, comfort and impenetrable bond we share with our families and with your divine spirit. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 12, 2010:****1. 2010-S 2130 SUB A****BY Gallo****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
RADIOLOGIC TECHNOLOGISTS LICENSING

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

2. 2010-S 2205 SUB A**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - TANNING
FACILITY SAFETY STANDARDS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

3. 2010-S 2495**BY Levesque C****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - PUBLIC
ASSISTANCE ACT

Committee on Health & Human Services recommends passage.

4. 2010-S 2548**BY Levesque C****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES -- MEDICAL
ASSISTANCE

Committee on Health & Human Services recommends passage.

5. 2010-S 2629**BY DeVall****ENTITLED,** AN ACT RELATING TO INSURANCE - EXTENDED MEDICAL
BENEFITS

Committee on Health & Human Services recommends passage.

6 2010-S 2631**BY Tassoni****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health & Human Services recommends passage.

IN ORDER FOR THURSDAY, MAY 13, 2010:

1. 2010-S 2618 SUB A

BY Goodwin

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

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

2. 2010-S 2841 SUB A

BY Miller

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- REVENUE DECOUPLING

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

3. 2010-S 2842 SUB A as amended

BY Maselli

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LONG -TERM CONTRACTING STANDARD FOR RENEWABLE ENERGY

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A as amended.

IN ORDER FOR TUESDAY, MAY 18, 2010:

1. 2010-S 2645

BY Blais

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- JUDICIAL SELECTION

Committee on Judiciary recommends passage.

2. 2010-S 2508 as amended

BY Goodwin

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

Committee on Constitutional & Regulatory Issues recommends passage as amended.