

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.41

Thursday, December 2, 2010

Forty-first 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 4:08 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 2 Senators absent as follows:

PRESENT – 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lenihan, Levesque.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

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

A. Ralph Mollis
Rhode Island Secretary of State
82 Smith Street
State House, Room 17
Providence, RI 02903

Dear Secretary Mollis:

Please accept this letter as my formal resignation from the office of State Senator from District 25. While I regret that I will not be able to continue my public service, I am thankful for all of the support provided by friends, members of the community, and members of the General Assembly over the past four years.

Very truly yours,

Christopher Maselli

Read and ordered to be placed on file.

CALENDAR**IN ORDER FOR THURSDAY, DECEMBER 2, 2010:****8. 2010-H 8271****BY Costantino****ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY
CERTAIN CLAIMS**

Committee on Judiciary recommends passage in concurrence.

Senator McCaffrey moves passage, seconded by Senators Bates, Blais, and Jabour.

The act is read and passed, by unanimous consent, in concurrence, 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, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

1. Nomination of Haiganush R. Bedrosian (appointment) VICE Family Court Chief Judge Jeremiah S. Jeremiah, Jr. as the Chief Judge of the Rhode Island Family Court.

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

Senator McCaffrey seconded by Senators Ruggerio, Blais, Walaska, Metts, Ciccone, Goodwin, Connors, DaPonte, McBurney, Tassoni, DeVall, Gallo, Sosnowski, Perry moves that advice and consent of the Senate be given this appointment.

Senators Walaska and McCaffrey discuss the appointment.

The advice and consent of the Senate is given this appointment, 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, Goodwin, Jabour, Lanzi, Lynch, Maher, 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 Chief Justice Paul Suttell, daughter-in-law Karen Izzo, son Vincent T. Izzo Jr., granddaughters Mary Izzo and Laura Izzo, Vicki and Randy Jamjyan, friends Veronica Russo and Keith Finck, Dr. Francis Cescosolido, the Honorable Debra Di Segna and Chief Judge Jeanne LaFazia.

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President welcomes to the Chamber Magistrate George N. DiMuro, Magistrate Patricia K. Asquith, Associate Justice Steven J. Capineri, Associate Justice Raymond E. Shawcross, Associate Justice Karen Lynch Bernard, Associate Justice John E. McCann III, Associate Justice Michael B. Forte, Magistrate Edward H. Newman, Family Court Administrator Ron J. Pagliarini, Associate Justice John A. Mutter, Magistrate Armondo O. Monaco II, Associate Justice Kathleen A. Voccola, Magistrate Thomas Wright, Associate Justice Colleen Hastings, niece Hanna Bedrosian and Anika Bedrosian, sister-in-law Gudrum Bedrosian, Vanlaundry Church, Lisa Sarkesian and Ana Harsian.

2. Nomination of Christine S. Jabour (appointment) VICE Associate Justice Stephen P. Erickson as the 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 Algieri, Bates, Blais, Maher, O'Neill, Ciccone, Lanzi, DiPalma, Pinga, Lynch, Goodwin, Perry, Gallo, Fogarty, Raptakis, Sosnowski, Tassoni, Doyle, Ruggerio and DaPonte 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 and 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED-1: Senator Jabour

GUESTS

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President welcomes to the Chamber husband Girard Viscenti, mother Adele Jabour and sister Harney Clare Jabour.

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable John F. McBurney III, President Pro Tempore of the Senate at 4:32 P.M o'clock.

3. Nomination of Colleen M. Hastings (appointment) VICE Associate Justice Michael A. Higgins as the Associate Justice of the Rhode Island District Court .

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

Senator Paiva Weed seconded by Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, McBurney, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska moves that advice and consent of the Senate be given this appointment.

Senator Paiva Weed discusses the appointment.

The advice and consent of the Senate is given this appointment, 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, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi,

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

NAYS- 0:

GUESTS

Upon suggestion of Senators Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber sons Isaiah, Lincoln and Joshua, mother Esther Hastings, brother Mark Hastings, sisters Kathy Mary Ann, Rebecca, nephew James Cranson and David Hastings and niece Adrianna Hosch.

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable M. Teresa Paiva Weed President of the Senate at 4:40 P.M o'clock.

4. Nomination of Walter R. Stone (appointment) VICE Associate Justice O. Rogeriee Thompson as the Associate Justice of the Rhode Island Superior Court.

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

Senator Metts seconded by Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, DeVall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska 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 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, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President welcomes to the Chamber Walter Stone, Esquire, Rochelle Lee, Wanda Levy, Representative Joseph Almeida, William Fleming, Joe Buchanon, Paul Cardosa and Peter Kennedy, Esquire.

5. Nomination of Stephen M. Isherwood (appointment) VICE Associate Justice Jeanne E. LaFazia as the Associate Justice of the Rhode Island District Court.

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

Senator Blais seconded by Senators Algieri, Connors, DaPonte, McBurney, DeVall, Ruggerio, Gallo, Felag, O'Neill, Maher, Perry and Doyle 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 Paiva Weed and Senators Algieri, Bates, Blais, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Lynch and by unanimous consent, the Honorable President welcomes to the Chamber Stephen M. Isherwood, wife Mary Francis Isherwood, son Michael T. Isherwood, daughter Caitlin C. Isherwood, dad, Thomas A. Isherwood, sister Marie Mooney, brother Thomas G. Isherwood, nieces Sarah and Erin Isherwood, Miriam Fallow, Caroline Megnan and Associate Judge Jeffrey A. Lanphear.

6. Nomination of Sarah Taft-Carter (appointment) VICE Associate Justice Alice B. Gibney as the Associate Justice of the Rhode Island Superior Court.

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

Senator Lynch seconded by Senators Algieri, Bates, Blais, Jabour, McCaffrey, Sosnowski, Crowley, Sheehan, Pichardo, Metts, Picard and Ciccone 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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Lynch and by unanimous consent, the Honorable President welcomes to the Chamber husband John Carter and cousins Mark and Mary McSally.

7. Nomination of Brian Van Couyghen (appointment) VICE Associate Justice Gilbert V. Indeglia as the Associate Justice of the Rhode Island Superior Court.

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

Senator McBurney seconded by Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Walaska 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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President welcomes to the Chamber Brian Van Couyghen, wife Christine Moore, daughter Michaelleen Van Couyghen, daughter Mary Van Couyghen and friend Barbara Jane Carrangia.

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber Nehru King, former Providence College Basketball player.

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President welcomes to the Chamber Lawrence K. Flynn of Providence.

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President welcomes to the Chamber Mr. Husband.

NEW BUSINESS**Senate Resolution No. 3030****BY** Senators Goodwin, Paiva Weed, Ruggerio, Algiere, DaPonte**ENTITLED**, SENATE RESOLUTION HONORING SENATOR DANIEL P. CONNORS FOR HIS SERVICE TO THE PEOPLE OF THE STATE OF RHODE ISLAND {LC2967/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey and Ruggerio moves passage, seconded by Senators Algiere, Bates, Blais, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Jabour, Lynch, Maher, McBurney, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Raptakis, Sheehan, Sosnowski, Walaska..

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

NAYS- 0:

Senators Goodwin, Perry, Crowley, DaPonte, Metts, Ruggerio and Lynch discuss the act.

Also:

Senate Resolution No. 3029**BY** Senators Lynch, Paiva Weed, Connors, Algiere, Ruggerio**ENTITLED**, SENATE RESOLUTION HONORING SENATOR JOHN F. MCBURNEY, III, FOR HIS SERVICE TO THE PEOPLE OF THE STATE OF RHODE ISLAND {LC2965/1}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senators Algiere, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Jabour, Lynch, Maher, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

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

NAYS- 0:

Senators Perry, Ruggerio, Walaska, Ciccone and Fogarty discuss the act.

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President, welcomes to the Chamber Cheryle McBurney, John F. McBurney IV, daughter-in-law Elizabeth Collins McBurney, Meghan McBurney Connelly, son-in-law John Connelly, Joseph John McBurney, daughter-in-law Mary Welsh McBurney and Mackenzie McBurney.

Also:

Senate Resolution No. 3027

BY Senators Algieri, Paiva Weed, Connors, Ruggerio, Maher

ENTITLED, SENATE RESOLUTION THANKING SENATOR LEO R. BLAIS FOR HIS EIGHTEEN YEARS OF DEDICATED AND DISTINGUISHED SERVICE TO THE CITIZENS OF RHODE ISLAND AS A MEMBER OF THE RHODE ISLAND SENATE {LC2966/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senators Perry, Maher, Sheehan, Miller, Raptakis, Jabour and Fogarty.

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

NAYS- 0:

Also:

Senate Resolution No. 3028**BY** Senators McCaffrey, Paiva Weed, Connors, Algieri, Jabour**ENTITLED**, SENATE RESOLUTION THANKING SENATOR CHARLES J. LEVESQUE FOR HIS SIX YEARS OF DISTINGUISHED SERVICE TO THE RHODE ISLAND SENATE AND SIXTEEN YEARS OF DEDICATED SERVICE TO THE RHODE ISLAND GENERAL ASSEMBLY {LC2968/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Gallo, Goodwin, Jabour, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, and Walaska.

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

NAYS- 0:

Also:

Senate Resolution No. 3031**BY** Senator Tassoni**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF DONN C. DIBIASIO {LC2969/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

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.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algiere the Senate adjourns at 6:22 o'clock P.M. in memory of Donn C. DiBiasio.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR HAROLD A. METTS**

Lord, who can be trusted with power, and who may act in your place? Those with a passion for justice, who speak the truth from their hearts; who have let go of selfish interest and grown beyond their own lives, who see the wretched as their family and the poor as their flesh and blood. They alone are impartial and worthy of the peoples' trust. Their compassion lights up the whole earth and their kindness endures forever. Amen.