

**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 third day of January in the year of Our Lord two thousand and six.**

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Volume 133, No.23

Tuesday, March 21, 2006

Twenty-third Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:04 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

**PRESENT** – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Roberts

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of the Twenty-second Legislative Day of the 2006 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Blais and by unanimous consent, the Honorable President, welcomes to the Chamber from the Small Business Administration, Mark Haywood, District Director, Antonio Doss Associate Administrator and Jean Holcomb, Director of Financial Analysis.

**COMMUNICATION**

The Honorable President presents the following communication:

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

March 14, 2006

The Honorable Joseph A. Montalbano  
President of the Senate  
317 State House  
Providence, RI 02903

Dear Mr. President,

Please be advised and let the record reflect that I will be absent from the chamber Tuesday March 21, Wednesday, March 22 and Thursday March 23, 2006, as I will be out of state due to a family commitment.

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

Thanks you for your attention to this matter.

Warmest regards,

Elizabeth H. Roberts  
Senator – District 28

Read and ordered to be placed on file.

**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  
STAE HOUSE**

March 17, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following reappointment to the Library Board of Rhode Island:

**William J. Allen of Cumberland**  
(Representing General Public)

for a term expiring December 31, 2008.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

## REPORTS OF COMMITTEES

### TRANSFER OF BILLS

Senator Caprio, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Commerce, Housing and Municipal Government, to the Committee on Finance:

#### **Senate Bill No. 2460**

**BY** Senators Sheehan, Sosnowski, Algiere, Lenihan, Roberts

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (amend the general laws which provides for an exemption from personal income tax to include qualified writers, composers and artists residing within the town of North Kingstown)

Read and referred to the Committee on Finance.

## REPORTS OF COMMITTEES

### COMMITTEE ON ENVIRONMENT AND AGRICULTURE

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

Reappointment of Bruce H. Dawson (Public Member) of North Kingstown to the Coastal Resources Management Council for a term expiring January 31, 2009.

Read and ordered to be placed on the Calendar.

## NEW BUSINESS

**Senate Resolution No. 2952****BY** Senator Levesque C**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF SUMNER CURTIS LITTLEFIELD, JR., YNCS, USN.

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by Senator Goodwin.

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

Also:

**Senate Bill No. 2953****BY** Senators Alves, McBurney, McCaffrey, Goodwin, Walaska**ENTITLED**, AN ACT RELATING TO TAXATION -- HISTORIC STRUCTURES - TAX CREDIT.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 2954****BY** Senators Ruggiero, McCaffrey, McBurney, Goodwin, Walaska**ENTITLED**, AN ACT RELATING TO HISTORIC STRUCTURES.

Read and referred to the Senate Committee on Finance

Also:

**Senate Resolution No. 2955****BY** Senators Raptakis, Walaska, Gallo, Paiva-Weed, McBurney**ENTITLED**, SENATE RESOLUTION CELEBRATING MARCH 25, 2006 AS THE 185TH ANNIVERSARY OF GREEK INDEPENDENCE DAY.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by the entire Senate.

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

Also:

**Senate Bill No. 2956****BY** Senators Sheehan, Lenihan**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF JAMES SEXTON, INC.

Read and ordered to be placed on the Consent Calendar

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

**1 2006-S 2243****BY** Alves**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**2 2006-S 2862****BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**3 2006-S 2863****BY** Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**4 2006-H 6884****BY** Watson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**5 2006-S 2123****BY** Fogarty P**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR OF THE STATE OF RHODE ISLAND EXEMPT RHODE ISLAND'S CITIES AND TOWNS FROM PAYING ALL FUEL TAXES**6 2006-S 2300****BY** Issa**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY EDUCATIONAL ALTERNATIVES FOR SCHOOL STUDENTS IMPACTED BY A VIRAL PANDEMIC**7 2006-S 2470****BY** Raptakis**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING AN INVESTIGATION INTO NORTHWEST AIRLINES PROPOSED OUTSOURCING OF 3,000 FLIGHT ATTENDANT JOBS

**8 2006-S 2479****BY Sosnowski****ENTITLED,** SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY STATE TRADES CLASSIFICATIONS**9 2006-S 2481****BY Gallo****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONJUNCTION WITH THE TRAFFIC ADVISORY COMMITTEE, TO CONDUCT A COMPREHENSIVE STUDY ON THE FEASIBILITY OF A TRAFFIC IMPACT FEE FOR EXPANDED STATE AFFILIATED TRANSPORTATION AND ROADWAY USE IN THE CITY OF CRANSTON**10 2006-S 2482****BY Gallo****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF ADMINISTRATION, IN CONJUNCTION WITH THE STATE PROPERTIES COMMITTEE, TO CONDUCT A COMPREHENSIVE STUDY ON THE IMPACT OF THE SUBSTANTIAL NUMBER OF STATE FACILITIES ON MUNICIPAL SERVICES IN THE CITY OF CRANSTON**11 2006-S 2924****BY Goodwin****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY STATE/LOCAL PARTNERSHIP FOR MAINTENANCE OF ROADS**CALENDAR****IN ORDER FOR TUESDAY, MARCH 21, 2006:****1 2006-S 2018****BY Bates****ENTITLED,** AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT - STATE LOTTERY

Committee on Constitutional &amp; Gaming Issues recommends passage.

Upon suggestion of Senator Bates, seconded by Senator Blais, and without objection, ordered to be placed on the Calendar for March 30, 2006.

**2 2006-S 2044****BY Blais****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Blais moves passage, seconded by Senators Polisena, Raptakis, Lenihan and others.

Senator Blais seconded by Senators Bates, offers the following written motion to amend.

## FLOOR AMENDMENT

2006 -- S 2044

AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS

Mr. President:

I hereby move to amend 2006 -- S 2044, entitled "AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS", as follows:

On page 1, line 6, by striking the words "department of administration" and inserting in place thereof the words "department of transportation".

Respectfully submitted,

SENATOR BLAIS

The motion to amend prevails 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Blais moves passage of the act, as amended, seconded by Senators Lenihan and Raptakis.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**3 2006-S 2120****BY Blais****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Thursday, March 23, 2006.

**4 2006-S 2315****BY Revens****ENTITLED,** AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Revens moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**5 2006-S 2685****BY Badeau****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- PRECIOUS METALS

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Badeau moves passage, seconded by Senators Ciccone, Connors, Metts and Issa.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:



**6 2006-S 2867****BY Fogarty P****ENTITLED,** AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Blais

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 Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**7 2006-S 2869****BY Fogarty P****ENTITLED,** AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senator Blais.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**8 2006-H 7000****BY Long****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC.

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

Senator Gibbs moves passage, seconded by Senators Paiva Weed and Blais.

The act is read and passed, by unanimous consent, in concurrence, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**9 2006-S 2652**

**BY Ruggerio**

**ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS**

Committee on Labor recommends passage.

Senator Ruggerio moves passage, seconded by Senators Fogarty, Doyle, Damiani and Ciccone.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**10 2006-S 2836**

**BY Breene**

**ENTITLED, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF REGIONAL SCHOOL DISTRICTS**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senator Blais.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**ANNOUNCEMENTS**

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 Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Polisenia 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 3:00 o'clock P.M. in Room 212 of the State House.

**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 DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Levesque, the Senate adjourns at 4:21 o'clock P.M. in memory of Sumner Curtis Littlefield, Jr.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR LEO R. BLAIS**

Dear God, we pray that you keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR WEDNESDAY, MARCH 22, 2006:**

**1 2006-S 2956**

**BY Sheehan**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF JAMES SEXTON, INC.

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

## Appendix

## CALENDAR

## IN ORDER FOR WEDNESDAY, MARCH 22, 2006:

**1 2006-S 2338****BY Sosnowski****ENTITLED,** AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Finance recommends passage.

**2 2006-S 2557****BY Goodwin****ENTITLED,** AN ACT IN AMENDMENT OF "AN ACT AUTHORIZING THE GIRL SCOUTS OF RHODE ISLAND, INCORPORATED TO HOLD PROPERTY EXEMPT FROM TAXATION," AS AMENDED

Committee on Finance recommends passage.

**3 2006-S 2722 as amended****BY Montalbano J****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Finance recommends passage as amended.

**4 2006-S 2210****BY Gallo****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health &amp; Human Services recommends passage.

**5 2006-S 2602 SUB A****BY Roberts****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS REGULATION

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

**6 2006-S 2153**

**BY McBurney**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -  
WORKERS' COMPENSATION COURT

Committee on Judiciary recommends passage.

**7 2006-S 2170**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL  
POWERS

Committee on Judiciary recommends passage.

**8 2006-S 2402**

**BY Breene**

**ENTITLED,** AN ACT RELATING TO THE DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

Committee on Judiciary recommends passage.

**9 2006-S 2801**

**BY DaPonte**

**ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS - ADOPTION  
OF CHILDREN

Committee on Judiciary recommends passage.

**IN ORDER FOR THURSDAY, MARCH 23, 2006:**

- 1** Reappointment of Bruce H. Dawson (Public Member) of North Kingstown to the Coastal Resources Management Council for a term expiring January 31, 2009.

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

**2 2006-S 2120**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL  
REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES

Committee on Commerce, Housing & Municipal Government recommends passage.

IN ORDER FOR THURSDAY, MARCH 30, 2006:

1 2006-S 2018

BY Bates

ENTITLED, AN ACT RELATING TO THE STATE AFFAIRS AND  
GOVERNMENT - STATE LOTTERY

Committee on Constitutional & Gaming Issues recommends passage.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate