

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

Volume 133, No.22

Wednesday, March 22, 2006

Twenty-fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lenihan, Roberts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senators Ciccone, Alves and Metts and by unanimous consent, the Honorable President, welcomes to the Chamber Thomas Iannitti, West Warwick School Committee

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President, welcomes to the Chamber Kevin Agnew from Johnston.

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President, welcomes to the Chamber from the American Cancer Society, Liz Genski Director of Government Relations and Advocacy, Heather Taratuta, Giesele Castronova and Barrie Phelps.

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**

March 7, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

David Hammarstrom of Providence
(Representative of Insurers)

for a term expiring January 31, 2009

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

March 20, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-82-3 of the Rhode Island General Laws, I have made the following appointment to the Agricultural Lands Preservation Commission:

George Mason of Little Compton

VICE
Judith Bailey
(resigned)

for the term expiring January 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

March 14, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-12.2-3 of the Rhode Island General Laws, I have made the following reappointment to the Clean Water Finance Agency:

Arthur C. Barton, III of East Greenwich

for a term to expire March 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

TRANSFER OF BILLS

Senator McCaffrey, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Judiciary, to the Committee on Finance:

Senate Bill No. 2436

BY Senators McCaffrey, Montalbano J, McBurney

ENTITLED, AN ACT RELATING TO INDIGENT DEFENSE SERVICES.

Read and referred to the Committee on Finance.

REPORTS OF COMMITTEES**COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES**

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2019

BY Senators Tassoni, Paiva-Weed, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (special motor vehicle registration plate representing the Audubon Society of Rhode Island and Save the Bay)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2016

BY Senators Walaska, Bates, Issa, Damiani, McCaffrey

ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES -- VETERANS' PLATES (allow veterans' of a number of conflicts to be issued additional veterans' plates for other vehicles they own)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2121

BY Senators Ciccone, Badeau, Walaska, Lanzi, DaPonte

ENTITLED, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2678

BY Senators Ruggerio, Paiva-Weed, Goodwin, Ciccone, McCaffrey

ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES (special license plates for Rotary International members who reside in Rhode Island)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2081

BY Senator Blais

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE CHIEF EMERITUS (special registration plate for former Coventry police chief, Bruce Germani.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2871

BY Senator Badeau

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (in addition to a regular registration plate, a special registration plate for the private passenger motor vehicle of each former speaker of the house of representatives and of each former majority leader of the senate and each president of the senate).

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6709

BY Mumford

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (add the town of Scituate to the municipalities authorized to prohibit the issuance of Class C liquor licenses)

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6906

BY Costantino, Slater

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

(technical amendments to the Sunday liquor sales statute and would allow a Class C licensee to open on Sunday with the written approval of the local board of license)

Read and ordered to be placed on the Calendar

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures:

Reappointment of Anne T. Quintero of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2009

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Christopher W. McMahan of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2008

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2275

BY Senators Alves, Raptakis

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISTRESSED AREAS ECONOMIC REVITALIZATION ACT.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

Senate Bill No. 2269

BY Senators Polisena, Damiani, McCaffrey, Sosnowski, Issa

ENTITLED, AN ACT RELATING TO CIVIL RIGHTS OF PEOPLE WITH DISABILITIES (complaint with the governors commission on disabilities).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2324

BY Senator Perry

ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- INCOMPETENCY TO STAND TRIAL AND PERSONS ADJUDGED NOT GUILTY BY REASON

OF INSANITY (mental health advocate to file petitions on behalf of mentally ill inmates held by the dept of corrections in order to have those inmates considered for transfer)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2416 (State Police)

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO COMMERCIAL TRANSACTION (violation of the laws of the United States).

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 2957

BY Senator Levesque C

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES NAVY AND THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO EXPEDITE THE PROCESS OF REMOVING THE LEAD PAINT HAZARD FROM THE AREA NEAR THE PORTSMOUTH MELVILLE SCHOOL.

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by Senator Fogarty.

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

Also:

Senate Resolution No. 2958

BY Senator Alves

ENTITLED, SENATE RESOLUTION HONORING DOCTOR ROBERT E. BAUTE ON THE OCCASION OF HIS RETIREMENT.

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senator McBurney.

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

Also:

Senate Resolution No. 2959**BY** Senators Polisena, Ruggerio**ENTITLED**, SENATE RESOLUTION CONGRATULATING MARIE GINOLFI ON HER 90TH BIRTHDAY.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Polisena moves passage, seconded by Senator Damiani.

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

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 measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

1 2006-S 2956**BY Sheehan****ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF JAMES SEXTON, INC.**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.

Senator Sosnowski moves passage, seconded by Senators Fogarty, Perry, Felag, Algieri, Paiva Weed, Walaska, Sheehan, Blais, Breene, Gibbs, Pichardo and many others.

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, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the desk.

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.

Senator Alves moves passage, seconded by Senators Felag, Paiva Weed, Algieri, Ruggerio, Walaska, Connors, Metts, Badeau, Ciccone and many others.

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, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2006-S 2210

BY Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health & Human Services recommends passage.

Senator Gallo moves passage, seconded by Senators Fogarty, Perry, Lanzi, Metts, Damiani and others.

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

NAYS- 0:

5 2006-S 2602 SUB A

BY Roberts

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF BUSINESS REGULATION

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

Upon suggestion of Senator Perry, and without objection, ordered to be placed on the Calendar for Thursday, March 30, 2006.

6 2006-S 2153

BY McBurney

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

Committee on Judiciary recommends passage.

Senator McBurney moves passage, seconded by Senators Badeau, Ciccone, McCaffrey, Doyle and others.

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, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2006-S 2170

BY Paiva-Weed

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

Committee on Judiciary recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Gallo, McCaffrey and others.

The act is read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 35: 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, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Revens

8 2006-S 2402

BY Breene

ENTITLED, AN ACT RELATING TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, March 28, 2006.

9 2006-S 2801

BY DaPonte

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

Committee on Judiciary recommends passage.

Senator DaPonte moves passage, seconded by Senators Connors, Pichardo, Doyle, Ciccone, Tassoni and many others.

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

NAYS- 0:

ANNOUNCEMENTS

Senator Sosnowski announces that the Committee on Environment & Agriculture will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Levesque announces that the Committee on Health and Human Services 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 the rise of the Senate, in Room 211 of the State House.

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet tomorrow, at 3:30 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, the Senate adjourns at 4:36 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES C. SHEEHAN

Almighty God, help those in need, give strength to the weak and comfort the sorrowful. May all who seek your help experience your unfailing protection. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, MARCH 23, 2006:

1 Reappointment of Anne T. Quintero of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2009.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

2 Reappointment of Christopher W. McMahan of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2008.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**CALENDAR****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 TUESDAY, MARCH 28, 2006:**1 2006-S 2016****BY Walaska****ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES -- VETERANS' PLATES**

Committee on Constitutional & Gaming Issues recommends passage.

2 2006-S 2019**BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES**

Committee on Constitutional & Gaming Issues recommends passage.

3 2006-S 2081**BY Blais****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE CHIEF EMERITUS**

Committee on Constitutional & Gaming Issues recommends passage.

4 2006-S 2121**BY Ciccone****ENTITLED, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES**

Committee on Constitutional & Gaming Issues recommends passage.

5 2006-S 2678**BY Ruggiero****ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES**

Committee on Constitutional & Gaming Issues recommends passage.

6 2006-S 2871**BY Badeau****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES**

Committee on Constitutional & Gaming Issues recommends passage.

7 2006-S 2275**BY Alves****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DISTRESSED AREAS ECONOMIC REVITALIZATION ACT**

Committee on Finance recommends passage.

8 2006-S 2269**BY Polisena****ENTITLED, AN ACT RELATING TO CIVIL RIGHTS OF PEOPLE WITH
DISABILITIES**

Committee on Judiciary recommends passage.

9 2006-S 2324**BY Perry****ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND
HOSPITALS -- INCOMPETENCY TO STAND TRIAL AND
PERSONS ADJUDGED NOT GUILTY BY REASON OF INSANITY**

Committee on Judiciary recommends passage.

10 2006-S 2416**BY Blais****ENTITLED, AN ACT RELATING TO COMMERCIAL TRANSACTION**

Committee on Judiciary recommends passage.

11 2006-H 6709

BY Mumford

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

12 2006-H 6906

BY Costantino

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

IN ORDER FOR THURSDAY, MARCH 30, 2006:

1 2006-S 2602 SUB A

BY Roberts

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF BUSINESS REGULATION

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

2 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